

# **EXHIBIT D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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LEAGUE OF UNITED LATIN AMERICAN Civil Action No.  
CITIZENS - RICHMOND REGION COUNCIL 1:18-cv-00423  
4614, et al.,  
Plaintiffs,  
v.  
PUBLIC INTEREST LEGAL FOUNDATION,  
an Indiana Corporation, and  
J. CHRISTIAN ADAMS,  
Defendants.

-----x  
VIDEOTAPED DEPOSITION OF 30(b)(6) DESIGNEE  
J. CHRISTIAN ADAMS  
Washington, D.C.  
Thursday, April 18, 2019

Job No. 158969

1  
2  
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4  
5 Thursday, April 18, 2019

6 9:16 a.m.  
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10

11 The following is the transcript of the  
12 videotaped deposition of 30(b)(6) designee J.  
13 Christian Adams held at the offices of Skadden, Arps,  
14 Slate, Meagher & Flom LLP, 1440 New York Avenue, NW,  
15 Washington, DC 20005.  
16  
17  
18

19 Reported by: Linda S. Kinkade RDR CRR RMR RPR CSR  
20

21 Registered Diplomate Reporter, Nationally Certified  
22 Realtime Reporter, Registered Merit Reporter,  
23 Registered Professional Reporter, Certified Shorthand  
24 Reporter, in and for the State of California, Notary  
25 Public, within and for the District of Columbia

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Also present:

David Chroniger, Legal Video Specialist

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## P R O C E E D I N G S

VIDEO SPECIALIST: This is the start of tape labeled number 1 of the videotaped deposition of J. Christian Adams, 30(b)(6) for Public Interest Legal Foundation, in the matter of League of United Latin American Citizens, et al. v. Public Interest Foundation, et al., in the United States District Court, for the Eastern District of Virginia, Alexandria Division, case number 1:18-CV-423.

This deposition is being held at 1440 New York Avenue, Suite 1100, northwest, Washington, D.C., on April 18th, 2019, at approximately 9:16.

My name is David Chroniger from TSG Reporting, Inc., and I'm the legal video specialist. The court reporter is Laura Kinkade in association with TSG Reporting.

Will counsel please introduce yourselves.

MR. TEPE: Sean Tepe, pro bono attorney for Plaintiffs.

MR. DAVIS: William Davis on behalf of the Public Interest Legal Foundation and Christian Adams with the law firm of Foley & Lardner.

VIDEO SPECIALIST: Will the court reporter please swear in the witness.

//

1 J. CHRISTIAN ADAMS,  
2 having been first duly sworn, was  
3 thereafter examined and testified as follows:

4 EXAMINATION

5 BY MR. TEPE:

6 Q. Good morning, Mr. Adams.

7 A. Good morning.

8 Q. Can you state your name for the record?

9 A. John Christian Adams.

10 Q. Have you been deposed before?

11 A. Yes.

12 Q. How many times?

13 A. I don't recall exactly how many, at least  
14 four.

15 Q. And what kind of cases were those?

16 A. What kind of cases? I don't remember what  
17 the first one was. The second one was Shirley  
18 Sherrod vs. Andrew Breitbart in DC/DC. The third one  
19 was Austyn Crites vs. Fox News in D/Nevada.

20 Q. By "D/Nevada" you mean District of Nevada?

21 A. Correct.

22 Q. You're under oath today, yes?

23 A. Correct.

24 Q. Is there any reason why you cannot provide  
25 truthful and accurate testimony today?

1 A. Not that I'm aware of.

2 Q. Since you've been deposed before, I  
3 probably don't need to go through the ground rules,  
4 but just in case, if there's anytime you need a  
5 break, just let me know, as long as, you know, I'm  
6 not in the middle of something, we can try and  
7 accommodate you. Okay?

8 A. I will not ask you to take a break after  
9 you ask a question.

10 Q. And you'll wait to finish my question so  
11 we're not talking over each other?

12 A. I will try.

13 Q. Excellent. Counsel may object, but, as  
14 you know, you still need to answer the question  
15 unless he instructs you not to answer.

16 A. Understood.

17 Q. Okay. Are you testifying today on behalf  
18 of the Public Interest Legal Foundation?

19 A. Yes.

20 Q. Also known as PILF?

21 A. Correct.

22 Q. And PILF is here pursuant to a deposition  
23 notice, which the court reporter is going to mark for  
24 you.

25 (PILF Exhibit 1 marked for



1 identification: Plaintiffs' Amended  
2 Rule 30(b)(6) Notice to Take  
3 Deposition of Public Interest Legal  
4 Foundation)

5 MR. TEPE: The court reporter has marked  
6 as PILF Exhibit 1 a document.

7 Q. Mr. Adams, do you want to take a look at  
8 that? Do you recognize it?

9 A. I see the document.

10 Q. Do you recognize it?

11 A. Yes.

12 Q. What do you recognize it to be?

13 A. It speaks for itself. It says it's a  
14 notice.

15 Q. And it says it's a Notice of Deposition of  
16 Public Interest Legal Foundation, correct?

17 A. It speaks for itself. It's what it says.

18 Q. Do you mind turning to the exhibit to the  
19 notice, in particular, the topics for examination  
20 starting on page 9.

21 Are you prepared to speak and testify on  
22 behalf of PILF on these six topics today?

23 A. Yes.

24 Q. Did you do anything to prepare for today's  
25 deposition?

1 A. Yes.

2 Q. What did you do?

3 A. Reviewed documents, met with my attorneys.

4 Q. How long did you meet with your attorneys?

5 A. Days.

6 Q. How many hours?

7 A. Don't remember.

8 Q. Okay. More than eight?

9 A. Yes.

10 Q. Okay. Who did you meet with?

11 A. My attorneys.

12 Q. I understand. What are your attorneys'  
13 names?

14 A. You have the counsel of record in this  
15 case.

16 Q. Yeah, but I don't know who you met with.

17 A. Well, one of them is sitting here.

18 Q. That's Mr. Davis?

19 A. Correct.

20 Q. Okay.

21 A. Look at the counsel of record, and you  
22 will have a list of people who I relied on to prepare  
23 for this deposition.

24 Q. I'm sorry. Mr. Adams, I'm asking just a  
25 very simple question.

1 A. And I just answered it.

2 Q. I asked the question, which was, who did  
3 you meet with.

4 A. And I answered it. I said, if you look at  
5 the list of attorneys who are counsel of record in  
6 this case, you will see the names of the people who I  
7 met with to prepare for this deposition.

8 Q. You met with Ana Romes?

9 A. Effectively, yes.

10 Q. "Effectively," what does that mean?

11 A. By telephone.

12 Q. Okay. And how long did you meet with  
13 Ms. Romes?

14 A. Days.

15 Q. You met with her days?

16 A. Correct.

17 Q. How many documents did you look at?

18 A. Tens of thousands.

19 Q. So you looked at a lot more documents than  
20 you produced in this case.

21 A. Let me fix my answer. I looked at tens of  
22 thousands of pages. I cannot tell you how many of  
23 those are subsets to equal a document, but in  
24 aggregate I reviewed tens of thousands of pages.

25 Q. Okay. Unless I specify otherwise, when I

1 say "you" today, I'll be referring to PILF, since  
2 you're here on behalf of PILF. Okay?

3 A. Correct.

4 Q. Okay. And but if there's anytime that's a  
5 little bit of confusion, just let me know and I'll  
6 try and clarify. Because what I'll try and do is, if  
7 I'm speaking about you as a person, I'll just say  
8 "you as Mr. Adams."

9 A. Understood.

10 Q. Okay. PILF used to be called ActRight  
11 Legal Foundation, correct?

12 A. Yes.

13 Q. It was incorporated in Indiana in 2012?

14 A. If you have a document that will help me  
15 refresh my recollection, I'd like to review it  
16 because I can't remember the exact date.

17 Q. When did ActRight Legal Foundation change  
18 its name to PILF, do you recall?

19 A. I do not, but if you have a document that  
20 would help me refresh my recollection I'd be happy to  
21 review it.

22 Q. Prior to the name change, do you know what  
23 ActRight Legal Foundation's mission was?

24 A. Essentially, but if you have a document  
25 with more specific information I'm happy to review

1 it.

2 (PILF Exhibit 2 marked for  
3 identification: ActRight Legal  
4 Foundation letter dated 7/17/2014  
5 PILF-ADAMS-0020792 - 20858)

6 MR. DAVIS: I assume this is Exhibit 2?

7 MR. TEPE: Yes. The court reporter has  
8 just marked what is PILF Exhibit 2, a document.

9 Q. Mr. Adams, have you seen this document  
10 before?

11 A. I don't have a specific recollection of  
12 reviewing this document.

13 Q. Okay. Well, it's a letter from ActRight  
14 Compliance Services, LLC to the Alaska Department of  
15 Law dated July 17th, 2014; is that right?

16 A. That's what it says.

17 Q. And correct me if I'm wrong, but it  
18 appears to be a filing that ActRight Legal Foundation  
19 made to be considered a charitable organization in  
20 Alaska; is that right?

21 A. I won't disagree with that.

22 Q. Okay. Well, if you turn to the document  
23 with the Bates number 20798 at the bottom --

24 A. 20798?

25 Q. Yes. It has a Mission Statement for

1 ActRight Legal Foundation.

2 A. Mm-hmm.

3 Q. Does this refresh your recollection as to  
4 what the mission was of the ActRight Legal  
5 Foundation?

6 A. It would help do that. It speaks for  
7 itself.

8 Q. It says:

9 ActRight Legal Foundation is a  
10 501(c)(3) law firm that provides a  
11 wide range of legal services to  
12 individuals and nonprofit  
13 organizations in the exercise of  
14 their fundamental civil and  
15 constitutional rights, with  
16 particular emphasis on protecting  
17 and defending their right to the  
18 free exercise of religious beliefs,  
19 First Amendment rights of free  
20 speech and association, voting  
21 rights, property rights, and other  
22 constitutional rights of due process  
23 and equal protection.

24 As you testified earlier, ActRight Legal  
25 Foundation changed its name to the Public Interest

1 Legal Foundation, correct?

2 A. I think I testified to that, but you may  
3 have asked me a question that contained that  
4 information. I can't remember which one it was.

5 Q. So in the change from ARLF to PILF, did  
6 the mission of the organization change to your  
7 knowledge?

8 A. Well, if you have -- if you're asking me  
9 to compare precisely what the mission statements are  
10 of the two organizations, to the extent you're asking  
11 me to do that, if you have a document that lets me do  
12 that here, I'd be happy to look at it to refresh my  
13 recollection.

14 Q. What's your position with PILF?

15 A. I'm the president and general counsel.

16 Q. And for how long have you had that  
17 position?

18 A. Approximately four years.

19 Q. So when did you first start working for  
20 PILF?

21 A. Well, I'm not sure exactly when, if you  
22 have a document that would refresh my recollection,  
23 but it's approximately four years ago. That was my  
24 answer.

25 Q. When you started working for PILF, was it

1 called PILF or was it still the ActRight Legal  
2 Foundation?

3 A. I don't remember that. And you're asking  
4 me in my personal capacity.

5 Q. Well, no, I'm asking as the 30(b)(6)  
6 witness, when did the president of PILF --

7 A. Okay.

8 Q. -- begin working there?

9 A. My answer is the same as the last two  
10 times I answered it. The third time I'm answering it  
11 is approximately four years ago. If you have a  
12 document that will refresh my recollection, I'll be  
13 more than happy to look at it.

14 (PILF Exhibit 3 marked for  
15 identification: Filing re charitable  
16 organization status  
17 PILF-ADAMS-0021095 - 0021147)

18 Q. The court reporter has handed you what's  
19 been marked as PILF Exhibit 3, a document with a  
20 beginning Bates number of 21095.

21 Mr. Adams, is this another filing to a state  
22 with regard to PILF's charitable organization status?

23 A. It appears that that's what that is.

24 Q. And then if you turn to the page that's  
25 marked 21104, it says you were elected November 18th,



1 2014; is that right?

2 A. That's what the page says.

3 Q. And you don't recall whether or not you  
4 joined when the organization was called PILF or ARLF;  
5 is that correct?

6 A. Well, I think I've answered that question,  
7 and I said, if you have a document that would help  
8 refresh my recollection, and to the extent this  
9 Exhibit 3 refreshes my recollection, it would  
10 indicate that at least on -- what you need to show me  
11 is a name change document to get your answer. If you  
12 did that, we'd be past this line of inquiry and move  
13 on to the next one.

14 (PILF Exhibit 4 marked for  
15 identification: Email correspondence  
16 from (topmost) CMitchell sent  
17 3/30/2016 with attachment  
18 PILF-ADAMS-0018345 - 0018373)

19 MR. TEPE: The court reporter has marked  
20 and handed the witness an Exhibit PILF 4 with the  
21 Bates number 18345.

22 Q. Do you recognize this document?

23 A. This appears to be an email with corporate  
24 records attached.

25 Q. So I'll direct your attention to the email

1 from Ms. Powell dated March 29th, 2016 to yourself  
2 and a variety of other individuals, including your  
3 counsel here.

4 Please find Thursday's board meeting agenda  
5 below, and then there's an agenda for a Public  
6 Interest Legal Foundation board meeting, correct?

7 A. It appears to have that.

8 Q. One of the documents attached to this  
9 email is minutes to a Board of Directors meeting  
10 dated February 27th, 2015. Do you see that?

11 A. Yes.

12 Q. And one of the minute items, second  
13 sub-bullet says, "new programs and expanded mission,  
14 permanent voting integrity and redistricting  
15 presented by J. Christian Adams." Do you see that?

16 A. It says that.

17 Q. Do you recall presenting a new program and  
18 expanded mission to these individuals at the board  
19 meeting?

20 A. I have no recollection in contradiction to  
21 this part of the minutes.

22 Q. Okay. So the previous document indicated  
23 that you were elected president in November of 2014,  
24 correct?

25 A. Wait. Which document are you referring

1 to? What exhibit number?

2 Q. Exhibit 3.

3 A. Okay. Okay. What is your question?

4 Q. My question is, just so I understand the  
5 timing here, you were elected president of PILF in  
6 November of 2014, correct?

7 A. Well, that's what the document says.

8 Q. And your recollection would not dispute  
9 that?

10 A. I don't have any recollection right now as  
11 I sit here contrary to that date.

12 Q. Okay. When you joined PILF, did you join  
13 as the president, or did you have a position other  
14 than president before that time?

15 A. I don't remember.

16 Q. You don't remember?

17 A. Nope.

18 Q. What did you do before you, Mr. Adams,  
19 before being president of PILF?

20 A. I was an attorney.

21 Q. Where?

22 A. In practice, private practice in Virginia.

23 Q. And did you work for a law firm?

24 A. Sometimes, sometimes not. When you say  
25 "work for," I did cases with law firms. Sometimes I

1 did them myself; sometimes I did them with other  
2 lawyers.

3 Q. And were you working for a nonprofit  
4 organization at the time before you joined PILF?

5 A. No.

6 Q. So you were a solo practitioner?

7 A. You could, yes, put it that way.

8 Q. What -- prior to joining PILF, what was  
9 the last organization with which you were employed?

10 A. United States Department of Justice.

11 Q. And when was that?

12 A. I'm sorry?

13 Q. And when was that?

14 A. Did you say "what" or "when"?

15 Q. When. I'm sorry.

16 A. 2005 to 2010.

17 Q. So from 2010 to November of 2014 you were  
18 a solo practitioner?

19 A. Okay. This is outside the scope of the  
20 30(b)(6). This is about me personally. We can get  
21 to that next week.

22 Q. I appreciate your notifying when you  
23 believe that things are outside the scope of the  
24 30(b)(6). I'm still allowed to ask that question.  
25 So if you wouldn't mind --

1 MR. DAVIS: I'm taking this that you are  
2 doing this as a predicate and foundation to ask  
3 further questions.

4 MR. TEPE: Yes.

5 MR. DAVIS: Okay. I'll allow it to the  
6 extent that it's foundational to a 30(b)(6)  
7 deposition.

8 MR. TEPE: Even during the 30(b)(6) I  
9 believe I can ask questions in a 30(b)(1) capacity.

10 MR. DAVIS: I'm not going to debate that.

11 MR. TEPE: I understand. I'm just trying  
12 to get through this.

13 MR. DAVIS: Understood.

14 A. What was your question?

15 Q. My question was from 2010 to 2014, you  
16 were a solo practitioner; is that your testimony?

17 A. Well, no, not solo. I mean, I was in  
18 private practice.

19 Q. Okay. So were you practicing in  
20 partnership with someone else?

21 A. Sometimes.

22 Q. Was there a name of this entity?

23 A. Election Law Center PLLC.

24 Q. Ah, okay. So were there any other  
25 employees of Election Law Center PLLC?

1           A. Intermittently, yes. Again, this is  
2 outside of the scope of the 30(b)(6).

3           Q. And so did you come to what was known as  
4 ActRight Legal Foundation with a goal of changing the  
5 organization to focus on voting rights issues?

6           A. I don't understand the question.

7           Q. Why did you join PILF?

8           A. I don't remember.

9           Q. You don't remember why you joined PILF?

10          A. This is outside the scope of the  
11 30(b)(6) --

12          Q. Okay.

13          A. -- and I didn't prepare for it. So I  
14 don't remember that.

15          Q. Okay. Well, maybe between now and Monday  
16 when we depose you in your personal capacity you'll  
17 know why you joined the organization that you're  
18 president of.

19          A. That's supposed to be how it works.

20          Q. So these minutes from February 27th of  
21 2015, there's a bullet called "board business." Do  
22 you see that?

23          A. I see it says that.

24          Q. "Name change discussed, Hans von Spakovsky  
25 makes motion to change the name of the corporation to

1 Public Interest Legal Foundation." Do you see that?

2 A. That's what it says.

3 Q. And it was approved unanimously, right?

4 A. That's what it says.

5 Q. And so why was this motion made? Do you  
6 recall?

7 A. Do not. If you have a document that would  
8 help refresh my recollection, I'd be more than happy  
9 to look at it.

10 Q. No, I'm just, I'm just, you know, asking  
11 you questions that I would think you would know as  
12 president of PILF.

13 A. Why would you think that?

14 Q. What are your -- what are the day-to-day  
15 activities of the president of PILF?

16 A. There's a variety of them. When you say  
17 "activities," what sort of activities are you  
18 referring to?

19 Q. Well, I asked a broad question so that you  
20 can tell me what are your activities.

21 A. Anything that one who manages a law firm  
22 would do, which is to supervise lawyers, approve  
23 expenditures. If you have a specific area that you  
24 want to ask about, I'm more than happy to address it.

25 Q. Do you decide what cases, legal cases, the

1 organization takes on?

2 A. I have a significant role in that.

3 Q. And what is that significant role?

4 A. To decide cases that the legal  
5 organization takes on.

6 Q. So you do decide the cases, the legal  
7 cases, that the organization takes on.

8 A. That's not what I testified to. You're  
9 asking the question a second time, and I'll tell you  
10 what I said the first time. I have a significant  
11 role in deciding what cases the organization takes  
12 on.

13 Q. And who ultimately decides what cases the  
14 organization takes on?

15 A. There is no single person who ultimately  
16 decides that.

17 Q. Is it the board's decision?

18 A. I just answered the question. There's no  
19 single person or entity that decides that.

20 Q. So the board -- the board doesn't make  
21 this decision; is that your testimony? It's a very  
22 simple question.

23 A. I wouldn't disagree with that.

24 Q. So the board does not make the decision  
25 which cases the organization takes on.



1 A. I've already answered that question.

2 Q. The answer is yes.

3 A. That's not what my answer was. You can  
4 read the transcript. My answer was I wouldn't  
5 disagree with that.

6 Q. And why wouldn't you disagree with that?

7 A. Because empirically that reflects reality.

8 Q. So the reality, then, is that PILF's board  
9 does not decide what cases the organization takes on.

10 A. That's the third time you've asked that  
11 question, and I've answered it twice.

12 Q. Why don't you answer it a third time.

13 A. Because that's not how depositions work,  
14 and you know that. You have your answer in the  
15 record twice.

16 Q. It's not a very clear answer as to what  
17 I'm trying to get to.

18 A. You may not like it, but it's the answer,  
19 and I'm not going to answer it a third time.

20 Q. As PILF's president, do you decide what  
21 public statements are released to the public?

22 A. I have a significant role in deciding what  
23 statements are released to the public.

24 Q. Can you explain that significant role?

25 A. What is the particular question about it?

1 I don't know how else to explain I have a significant  
2 role in what statements are released to the public.  
3 That's the second time I've answered the question.

4 Q. Who else has a role in deciding what  
5 statements are released to the public?

6 A. Logan Churchwell.

7 Q. Anyone else?

8 A. Lawyers who work on the particular matter.

9 Q. Anyone else?

10 A. Largely speaking, no, but there may be a  
11 contrary example to what I just testified to. If you  
12 have a document that would refresh my recollection, I  
13 would be happy to look at it.

14 Q. So the ultimate decision as to whether or  
15 not a statement is made is yours; is that right?

16 A. I could stop a statement from being made,  
17 correct.

18 Q. And when you don't stop a statement from  
19 being made, that is based on your decision, correct?

20 A. I would not agree with the idea that I  
21 have assented to every single statement that PILF has  
22 made to the media. I would very much disagree with  
23 that. There may be a time where I was sick, there  
24 may be a time that I was traveling, or there may be  
25 other times I was incapacitated, such as sitting in a

1 deposition or taking a deposition, where I would not  
2 have had the opportunity to review all statements  
3 released to the media.

4 I do not have any specific recollection about  
5 when those times may or may not have occurred, but,  
6 if you have a document that would refresh my  
7 recollection, I'd be happy to look at it.

8 Q. How are your -- strike that.

9 Your position is president and general  
10 counsel, correct?

11 A. I'm sorry?

12 Q. Your position is president and general  
13 counsel?

14 A. I've answered that once already. I have.  
15 I mean, the transcript speaks for itself. If you  
16 want to ask it for the next seven hours, we can just  
17 answer it for seven hours, but I've answered that  
18 question.

19 Q. It's a simple segue question to my next  
20 question, which is, how does the role of president  
21 and general counsel differ, if at all?

22 A. Well, "general counsel" is a term used to  
23 describe a lawyer's role. "President" is a term used  
24 to describe an organizational head. Not all general  
25 counsels are presidents and not all presidents are

1 general counsels in most nonprofit organizations.

2 Q. So how does your role as both president  
3 and general counsel differ?

4 A. Well, I think I just answered that, but  
5 I'll clarify in case I didn't. The president is the  
6 organizational head, and the general counsel is a  
7 legal term relating to legal matters.

8 A president has authority as to which water  
9 cooler company to use to stock an office, and a  
10 general counsel, for example, would have authority  
11 regarding legal matters. If I was just the general  
12 counsel and not the president, I might not have a say  
13 in the vendor we use to get water jugs.

14 Q. In 2016 you represented an organization  
15 called the Virginia Voters Alliance in a lawsuit  
16 against the registrar of the City of Alexandria,  
17 correct?

18 A. I did -- or we did, I suppose.

19 MR. DAVIS: You're using the  
20 "organizational you."

21 MR. TEPE: Yes. Correct.

22 Q. And how did you, PILF, come to represent  
23 VVA in this litigation?

24 A. How did we come to represent them? I  
25 don't understand your question.

1 Q. Did they --

2 A. There's lots of ways that that could be  
3 answered. I'm not sure what you're asking.

4 MR. DAVIS: And I would caution the  
5 witness in answering the question be cognizant of the  
6 attorney-client privilege between PILF and VVA.

7 Q. Well, did PILF approach VVA with a case to  
8 file?

9 A. I have no recollection as to the answer to  
10 that question. If you have a document to refresh my  
11 recollection, I'd be happy to look at it and to see  
12 if I can answer it.

13 Q. So VVA alleged that Alexandria was in  
14 violation of the National Voter Registration Act,  
15 yes?

16 A. Show me a complaint and I'll be able to  
17 answer your question better. I'm not going to --  
18 that's not within the scope of the 30(b)(6), for one,  
19 and if you have a document that would help me answer  
20 that question, I'd be happy to look at it.

21 Q. So you don't recall that VVA alleged  
22 Alexandria was in violation of the National Voter  
23 Registration Act?

24 A. I recall it's not within the scope of the  
25 30(b)(6).

1 Q. I can still ask the question.

2 A. Well, you have.

3 Q. And you haven't answered it.

4 A. That's correct. Show me a complaint and  
5 I'll answer it.

6 Q. That's not how this works, Mr. Adams.

7 A. Yes, it is.

8 Q. No, you do not get to dictate what  
9 documents I get to show you. I ask questions, and  
10 you either, you know, have a recollection or --

11 A. He has the complaint right there. That  
12 will be helpful.

13 Q. He actually doesn't have the complaint,  
14 so -- but I appreciate you trying to narrate the  
15 actions of my co-counsel.

16 A. Oh, that's the 30(b)(6) deposition.

17 Q. It's the 30(b)(6) topic.

18 A. Well, if you have the complaint, I'll be  
19 happy to answer questions about it.

20 Q. Okay. So can you go to, let's say, on  
21 page 9, Topic No. 2. It states your activities and  
22 communications relating to purported noncitizen  
23 registration and voting in Virginia, correct?

24 A. There's more.

25 Q. Yes, but that's -- these are subsets,

1 including, by way of example only, the conception,  
2 research, records collection and analysis, writing,  
3 revising, editing, publication, and/or promotion of  
4 the Alien Invasion Reports and drafts thereof, as  
5 well as your work on these or similar issues with the  
6 Virginia Voters Alliance and/or other organizations  
7 or individuals.

8 Are you prepared to testify on this topic?

9 A. I am, but the question you asked doesn't  
10 relate to paragraph 2.

11 Q. I am asking a question with regard to your  
12 representation of VVA in its lawsuit against the City  
13 of Alexandria under the NVRA, correct?

14 A. That didn't relate to noncitizen  
15 registration and voting in Virginia. It's not within  
16 the scope of paragraph 2. And you know it. You just  
17 wrote it badly.

18 (PILF Exhibit 5 marked for  
19 identification: PILF letter dated  
20 1/14/2016

21 PILF-ADAMS-0027092 - 0027094)

22 MR. DAVIS: Do you have one for me?

23 MR. TEPE: Certainly.

24 Q. Mr. Adams, the court reporter has just  
25 handed you an exhibit that's been marked as PILF 5

1 with the Bates number 27092.

2 Do you see this document?

3 A. I have Exhibit 5.

4 Q. Okay. It is a letter to Anna Leider, the  
5 registrar of Alexandria, correct?

6 A. She is the addressee.

7 Q. And the date is January 14, 2016, correct?

8 A. That's what it says.

9 Q. And it's from Shawna Powell, secretary of  
10 the Public Interest Legal Foundation, correct?

11 A. That's what it says.

12 Q. Okay. And your organization states:

13 "I am writing on behalf of the  
14 Public Interest Legal Foundation to  
15 notify you that your city is in  
16 apparent violation of Section 8 of  
17 the National Voter Registration Act  
18 based on our research."

19 Do you see that?

20 A. No. Where is that?

21 Q. That's the first paragraph.

22 A. Okay. Got it.

23 Q. Okay. And your recollection of the NVRA  
24 is it that, before you can actually sue a  
25 jurisdiction, you need to provide notice? Is that



1 right?

2 A. I wouldn't disagree with you.

3 Q. Because the answer is yes.

4 A. Well, that's not what I said.

5 Q. Oh, I know it's not what you said.

6 A. So the answer is not yes. The answer is I  
7 would not disagree with you.

8 Q. And why wouldn't you disagree with me?

9 A. Because I have no basis to disagree with  
10 you.

11 Q. And in paragraph five it says, "in short,  
12 your city has more voters on the registration rolls  
13 than it has eligible living citizen voters." Do you  
14 see that?

15 A. Right.

16 Q. Okay. And so that's the crux of the  
17 complaint that PILF had with the registrar of  
18 Alexandria; is that right?

19 A. I would disagree with that. That is not  
20 the crux of the complaint. You might want to distill  
21 it to that, but that's not what I believe.

22 Q. Okay. Then what do you believe to be the  
23 crux of the complaint?

24 A. There's no crux. There's a variety of  
25 issues.

1 Q. Okay. And what are those issues?

2 A. I'm not going to get into that because  
3 it's part -- first of all, it's not within the scope  
4 of paragraph two, which deals with noncitizen  
5 registration voting, something not mentioned in this  
6 notice letter, Exhibit 5, and it relates to  
7 privileged information. My assessment of that  
8 litigation is privileged.

9 Q. I'm not asking for your assessment of that  
10 litigation.

11 A. Well, you asked what the crux of it was.

12 Q. I'm going to direct your attention to the  
13 second page, where, as part of your allegation that  
14 Alexandria is in apparent violation of the NVRA, you  
15 asked for certain records; is that right?

16 A. Are you talking about -- there's a page  
17 missing. Oh, you have two-sided. Okay. The second  
18 page.

19 Q. Yes.

20 A. "Could provide," right, okay.

21 Q. In particular, if the public available  
22 information --

23 A. Right.

24 Q. -- cited above is no longer accurate, it  
25 would be helpful if you could provide --

1 A. Right.

2 Q. -- and then there's a list --

3 A. (a) through (j).

4 (Clarification by reporter.)

5 Q. And one of the things you asked for is,  
6 under item (b):

7 "Records your office obtained or  
8 received from the Alexandria Circuit  
9 Court clerk, United States District  
10 Court clerks, or other sources  
11 regarding individuals who are  
12 ineligible to serve on juries  
13 because of a lack of American  
14 citizenship," among other things.

15 Correct?

16 A. That's what the exhibit says.

17 Q. Right. And so as part of your concerns  
18 with regard to Alexandria's compliance with the NVRA,  
19 you were asking for records with regard to lack of  
20 citizenship.

21 A. The document will speak for itself on  
22 that.

23 Q. Okay. So the answer is yes.

24 A. The document says that, yes.

25 Q. Now --

1 (VVA Exhibit 5 previously  
2 marked for identification and  
3 referenced herein: VVA letter dated  
4 1/25/2016 to A Leider)

5 MR. TEPE: I'm handing the witness what  
6 has been previously marked as VVA Deposition Exhibit  
7 5.

8 A. But it's VVA 5.

9 Q. Yes.

10 A. Right.

11 Q. Previously been marked as VVA 5.

12 This is a letter from Reagan George, president  
13 of the Virginia Voters Alliance, dated January 25th,  
14 2016 to Ms. Leider, registrar of Alexandria, correct?

15 A. That's what it says.

16 Q. This letter is identical, it would appear,  
17 to the letter that PILF sent on January 14th,  
18 correct?

19 A. I don't know. I haven't reviewed it. I  
20 didn't -- this was not part of documents that I  
21 reviewed in preparing for this deposition, so I don't  
22 know if it's -- what was your word you used,  
23 "identical"?

24 Q. Yes.

25 A. I don't know that.

1 Q. You did end up representing VVA in a  
2 lawsuit against the City of Alexandria, correct?

3 A. If you look at the complaint, we've  
4 already asked and answered that.

5 Q. And so the answer is yes, you did that.

6 A. For the third time, the answer is the  
7 complaint shows we did that.

8 Q. Now the complaint or the assertion made in  
9 both letters is that the City of Alexandria has more  
10 voters on the registration rolls than it has eligible  
11 living citizen voters, correct?

12 A. I don't know. Show me the complaint and  
13 I'll answer your question. That's probably the fifth  
14 time I've asked for it. I can't answer questions  
15 about what the complaint says without seeing it.

16 MR. DAVIS: The question is whether or not  
17 the letters say it.

18 Q. Correct, the assertion in the letter.

19 A. Okay. The letter -- if you direct me to  
20 where -- I mean, it speaks for itself, so I'm not  
21 going to dispute what it says.

22 Q. The fifth paragraph.

23 A. That's what it says.

24 Q. Right. And in the third paragraph it  
25 says, "voter rolls across America contain substantial

1 numbers of ineligible voters." Do you see that?

2 A. That's what it --

3 MR. DAVIS: You're referring to VVA 5?

4 MR. TEPE: Correct.

5 A. That's what it says.

6 Q. And then that same sentence or clause is  
7 beginning the third paragraph in PILF's letter, which  
8 was marked as PILF Exhibit 5, correct?

9 A. It does say the same thing.

10 Q. So at the -- at this time, in January  
11 2016, PILF believed that voter rolls across America  
12 contained substantial numbers of ineligible voters;  
13 is that true?

14 A. At -- yes.

15 Q. And was PILF seeking to establish that  
16 proposition when it made this complaint to  
17 Alexandria?

18 A. I don't understand the question. Seeking  
19 to establish the proposition? That proposition has  
20 already been established.

21 Q. Okay. So my question is: When you, PILF,  
22 wrote to the registrar of Alexandria that voter rolls  
23 across America contained substantial numbers of  
24 ineligible voters, were you seeking to establish that  
25 in the City of Alexandria their voter rolls also

1 contained substantial numbers of ineligible voters?

2 A. No.

3 Q. You were not trying to establish that?

4 A. I answered that.

5 Q. Okay. What were you trying to establish  
6 in this letter to the City of Alexandria?

7 A. I wasn't trying to establish anything.  
8 This is a notice letter. You don't establish  
9 anything in a notice letter.

10 Q. Well, you've made assertions in your  
11 notice letter, correct?

12 A. That's not establishing anything. Pick a  
13 better verb and I'll answer the question. We weren't  
14 trying to establish anything. We were trying to send  
15 a notice letter. That's the answer.

16 Q. And you say in your notice letter your  
17 city has more voters on the registration rolls than  
18 it has eligible living citizen voters, correct?

19 A. That's what the letter says.

20 Q. That's what the letter says. And the  
21 letter doesn't actually say how many more voters are  
22 on the registration rolls than the City of Alexandria  
23 has eligible living citizen voters, right?

24 A. The letter speaks for itself.

25 Q. It doesn't say you have ten more people

1       than are eligible to vote, correct?

2           A. My answer is the same.

3           Q. The letter doesn't say that Alexandria has  
4       20 more people.

5           A. The answer is the same.

6           Q. Okay. Do you recall Alexandria responding  
7       to either one of these seemingly identical letters?

8           A. I'm not going to accept the premise that  
9       they're identical.

10           MR. DAVIS: Object to the form of the  
11       question.

12           Q. I understand, but did Ms. Leider or Leider  
13       respond to your letter?

14           A. Well, in what way? I don't understand the  
15       question. I mean, you know there was litigation, so  
16       obviously there was a response. If you have a  
17       particular document you want to show me, then I'm  
18       happy to review it.

19                       (VVA Exhibit 6 previously  
20                       marked for identification and  
21                       referenced herein: Office of Voter  
22                       Registration and Elections letter  
23                       dated 2/9/2016 to R George)

24           Q. I've handed to you, sir, what has been  
25       marked as, previously, as VVA Deposition Exhibit 6.



1 Do you see that?

2 A. Right.

3 Q. It is a letter from Ms. Leider to Reagan  
4 George responding to his letter that we just looked  
5 at; is that correct?

6 A. That's what it appears to be.

7 Q. Okay. And Ms. Leider says to VVA, "I  
8 think your conclusion that Alexandria has more voters  
9 on its registration rolls than it has eligible living  
10 citizen voters can be based on old or faulty data."

11 Do you see that?

12 A. That's what it says.

13 Q. And she goes on to say, "currently about  
14 65 percent of Alexandria's voting age population is  
15 registered to vote," right?

16 A. That's what it says.

17 Q. Right. And then in the second-to-last  
18 paragraph, if you turn the page, thank you, it says:

19 "It is difficult to address the  
20 concerns raised in your letter  
21 without additional information about  
22 the specific reports and information  
23 you relied on to reach your  
24 conclusions. For example, was there  
25 a particular chart or dataset in the

1                   2014 EAC Report that supports your  
2                   claims?"

3                   Do you see that?

4                   A.    It says that.

5                   Q.    Okay.  And so is it -- is it fair to say  
6                   that PILF and VVA had made an assertion about the  
7                   City of Alexandria's voting rolls, correct?

8                   A.    Wait.  What was your question?

9                   Q.    Sort of a foundational question.  So we've  
10                  established that VVA and PILF made an assertion with  
11                  regard to the City of Alexandria's voter rolls,  
12                  correct?

13                  A.    I wouldn't disagree with that.

14                  Q.    Okay.  And those letters that we just  
15                  looked at, one from PILF, one for VVA, did not say  
16                  how many more people PILF or VVA thought were on the  
17                  rolls than were eligible; is that right?

18                  A.    We've been through that.  I have answered  
19                  that.  As a matter of fact, that was one of the  
20                  moments where I said we could be here all day, as you  
21                  were adding numbers to that, and I said I've already  
22                  answered that.

23                  Q.    And then Ms. Leider disputes your  
24                  characterization that Alexandria has more voters on  
25                  its registration rolls than it has eligible living

1 citizens, correct?

2 A. That's your assessment. I think that  
3 that's a fair assessment.

4 Q. Now --

5 A. It's incorrect, by the way. She's wrong.  
6 She makes a fundamental mistake in her dispute.

7 Q. So the disagreement that you just  
8 manifested in your answer is the same disagreement  
9 that prompted PILF to sue the City of Alexandria on  
10 behalf of VVA; is that right?

11 A. I'm not going to answer that question.  
12 It's privileged. Sorry.

13 MR. DAVIS: I was getting to that  
14 instruction. Be cognizant, to the extent you can  
15 answer it, answer it, but be cognizant of the  
16 attorney-client relationship with VVA.

17 Q. I'll ask it differently. The dispute  
18 between VVA and PILF was not resolved, correct?

19 A. It was not resolved -- it was resolved  
20 actually, yes.

21 Q. At this time.

22 A. Oh, at this time.

23 Q. Yes.

24 A. That wasn't in your question.

25 MR. DAVIS: "This time" being the date of

1 the letters?

2 MR. TEPE: Right.

3 A. I would not disagree that on February  
4 10th, 2016 the dispute was not resolved.

5 Q. Okay. And that led to VVA suing the City  
6 of Alexandria in April of 2016, correct?

7 A. The dispute was not resolved in February  
8 of 2016 nor was it resolved prior to the filing of  
9 the lawsuit. If you have the complaint that will  
10 show me dates, I will be happy to be more specific in  
11 my answer.

12 Q. And PILF represented VVA in this  
13 particular lawsuit, correct?

14 A. I've answered that question, yes, a number  
15 of times.

16 Q. And VVA's lawsuit was dismissed, correct?

17 A. Without prejudice.

18 Q. And VVA never refiled its lawsuit against  
19 the City of Alexandria.

20 A. That is a matter of public record.

21 Q. And the answer is yes?

22 A. VVA never refiled its lawsuit is a matter  
23 of public record.

24 Q. And PILF, by itself, as its own separate  
25 entity, has not filed a lawsuit against the City of

1 Alexandria since the VVA suit was dismissed without  
2 prejudice, correct?

3 A. Correct.

4 Q. Now after the dismissal, you went to the  
5 registrar's office to inspect various documents with  
6 regard to the city's lists -- voter roll list  
7 maintenance practices; is that right?

8 A. When you say "you," who are you referring  
9 to?

10 Q. You, Mr. Adams.

11 A. We can talk about that next week, but a  
12 representative from PILF was there. I was that  
13 representative.

14 Q. Who else was there with you?

15 A. Reagan George and Keith Damon.

16 Q. Anyone else?

17 A. Ann Leider.

18 Q. Okay. No, I'm saying with you.

19 A. Oh. No.

20 Q. Okay. Do you recall on what date you went  
21 to the City of Alexandria's offices to have this  
22 inspection of their records?

23 A. If you have a document that would refresh  
24 my recollection, I'd be happy to look at it.

25 (VVA Exhibit 7 previously

1 marked for identification and  
2 referenced herein: Thompson McMullan  
3 letter dated 8/10/2016  
4 PILF-ADAMS-0000637 - 0000641)

5 Q. Handing the witness what has been marked  
6 as VVA Deposition 7, do you recognize this document,  
7 sir?

8 A. I don't, but I don't disagree that the  
9 answer to your question is probably contained in  
10 here.

11 Q. Right. So this is a letter from the  
12 attorney for the City of Alexandria, William Tunner;  
13 is that right?

14 A. It's a letter that states the date of the  
15 inspection was July 25th, 2016.

16 Q. So recollection refreshed.

17 A. Recollection refreshed.

18 Q. Okay. And you went there on the 25th, and  
19 an attorney for the League of Women Voters wanted to  
20 attend the inspection at the same time too; is that  
21 right?

22 A. I don't remember a lot about that. There  
23 was somebody there, but that's the extent of my  
24 recollection.

25 Q. Do you recall taking the position that you

1 did not want to inspect the records with this other  
2 party present?

3 A. I don't, but that would have been a  
4 perfectly reasonable one had I taken it.

5 Q. Why is that?

6 A. Because it was a third party. It was  
7 perfectly reasonable to not conduct our  
8 attorney-client relationship and inspection in front  
9 of third parties.

10 Q. But you said Ms. Leider was there, so  
11 there's no privilege in that meeting.

12 A. Right, but there is privilege when I go  
13 and take the client aside and speak.

14 Q. Right. So how is that different than, you  
15 know, you taking the client aside and speaking when  
16 Ms. Leider --

17 A. Because Ms. Leider would leave the room.

18 Q. Excuse me. If I can finish my question.

19 A. Go ahead.

20 Q. How is that different from when Ms. Leider  
21 is there and some other third party is there?

22 A. Because we were being followed by the  
23 other third party, and Ms. Leider would respect our  
24 confidences whereas this third party would not.

25 Q. Well, was there an example of this party

1 not respecting your confidences?

2 A. I just said so.

3 Q. No, no, no. Was there an example of that  
4 party not respecting your confidences?

5 A. Yes. I just said so.

6 Q. Okay. What happened?

7 A. My recollection was that we couldn't speak  
8 freely between each other, and Ms. Leider was  
9 respectful of that relationship whereas the third  
10 party was not.

11 Q. So there was an instance, it's your  
12 testimony, that you went off to the side of the room  
13 and this other attorney or third party would actually  
14 follow you and not allow you to have a private  
15 conversation? That's your testimony?

16 A. My testimony is that the third party would  
17 not respect our confidences.

18 Q. Yes, and I just asked you, did the  
19 situation that I just described happen?

20 A. I don't remember the situation you just  
21 described.

22 Q. Well, how else -- okay.

23 A. We weren't able to speak freely around  
24 each other with a third party there. That's my  
25 testimony.



1 Q. Yeah, and I'm trying to understand why.

2 A. Because the third party could hear.

3 Q. But Anna Leider could hear.

4 A. Anna Leider wasn't always there.

5 Q. Okay. So why couldn't you just --

6 A. Because this wasn't the third party's  
7 request. This was our request. It was our  
8 inspection.

9 Q. These are public records, right?

10 A. That's funny.

11 Q. Well, that's --

12 A. We had to litigate to get them, so right.

13 Q. Well, right, that's your position, these  
14 are public records, right?

15 A. That's our position, correct.

16 Q. That's your position, right. So if these  
17 are public records and this is an inspection, why  
18 can't some other party be there during the  
19 inspection?

20 A. I don't have a view of that, generally  
21 speaking. Specifically speaking, in this instance,  
22 the third party is not respecting our confidences.  
23 I've answered that question now four times.

24 Q. So regardless of the reason, this other  
25 party left and did not stay for your inspection.

1 A. I hope so. That's my recollection.

2 Q. Ms. Leider assembled the requested records  
3 in a room; is that right?

4 A. It was in a separate room.

5 Q. And during the inspection you saw records  
6 for registration, voter registration cancellations;  
7 is that right?

8 A. There was a wide variety of records there.  
9 I am sure that there were records for voter  
10 registration cancellations.

11 Q. And were there records there indicating  
12 voter registration cancellations based on a failure  
13 to affirm citizenship?

14 A. No. There were records there relating to  
15 noncitizenship that said declared noncitizens, not  
16 failure to affirm, it was declared noncitizen  
17 cancellations.

18 Q. Okay.

19 A. There's a difference.

20 Q. And did this report have a name?

21 A. It may have. If you have it and want to  
22 show me to refresh my recollection to get the  
23 specific name, I'd be more than happy to do that.

24 Q. Well, there's a report that you're  
25 evidently thinking of very specifically, and I want

1 to know what's the term that you use in describing  
2 this report.

3 A. Well, the term that I use would be  
4 consistent with what the report says, and if you have  
5 it for me to look at, I'd be more than happy to take  
6 a look at it.

7 Q. And so you did see a report that, as you  
8 described, was a list of cancellations using the  
9 declared noncitizen nomenclature, correct?

10 A. Well, the nomenclature is usually what the  
11 actual document says. It's not nomenclature; it's  
12 what it says.

13 Q. You wanted to make a copy of that report,  
14 correct?

15 A. Absolutely. And do you want to know why?

16 Q. And you were not able to make a copy of  
17 that report --

18 A. That's not correct.

19 Q. -- on that day.

20 A. That's not correct. We were able to make  
21 a copy of the report. The problem was we were denied  
22 access to make a copy of the report. There's a  
23 difference between ability and denial, and in this  
24 particular instance we were denied access to making a  
25 copy of that report.

1 Q. Right, because the City of Alexandria was  
2 not sure if, pursuant to law, you had the right to  
3 view -- to copy -- certain of that information; is  
4 that right? That's their position.

5 A. That -- if you have a document that would  
6 be more specific in refreshing my recollection, I  
7 would be happy to look at it. My general  
8 recollection is, which may be wrong, was that the  
9 city general registrar had some measure of  
10 trepidation about providing that report without  
11 talking to other people.

12 Q. Correct.

13 A. But -- I'm sorry.

14 Q. Well, I think, if you look at the August  
15 10th letter, which is VVA Exhibit 7 --

16 A. Okay.

17 Q. -- confirms your recollection, is that  
18 correct --

19 A. Well --

20 Q. -- that you had requested a category of  
21 documents, you were unable to take copies of them at  
22 that time based on a position as to, you know,  
23 whether or not you could do so, right?

24 A. Right, a position which was later proved  
25 to be incorrect, and --

1 Q. Understood, but I'm talking about this  
2 time.

3 A. At that time that was her -- VVA  
4 Deposition Exhibit 7 refreshes my recollection that  
5 there was a measure of trepidation that the GR in  
6 Alexandria was receiving ultimately incorrect  
7 direction that she could not provide us a copy of the  
8 documents.

9 (PILF Exhibit 6 marked for  
10 identification: Email correspondence  
11 from (topmost) N Johnson dated  
12 9/13/2016 with attachment  
13 PILF-ADAMS-0003265 - 0003277)

14 MR. TEPE: The court reporter has marked  
15 and handed to the witness what has been noted as PILF  
16 Exhibit 6.

17 Q. Do you see that?

18 A. There's a PILF Exhibit 6 in front of me.

19 Q. Yes. And do you recognize this document?

20 A. I've seen this document before.

21 Q. Okay. And so the document begins with  
22 email correspondence between the City of Alexandria's  
23 attorney, William Tunner, correct, and Noel Johnson?

24 A. I don't know. Hold on. Tunner to  
25 Johnson, page 2 of the document.

1 Q. Yeah. Who is Noel Johnson?

2 A. He's an attorney that you deposed a week  
3 ago sitting in this chair at PILF.

4 Q. So there's some back and forth, and,  
5 ultimately, you are forwarded this correspondence by  
6 Noel Johnson on September 13th, 2016, correct?

7 A. It appears that I was forwarded this. If  
8 you're saying this correspondence --

9 Q. I'll --

10 A. -- yeah, I wasn't part of it, you're  
11 right.

12 Q. Yes.

13 A. And it wasn't until -- September 13, 2006  
14 was the first time I was forwarded the declared  
15 noncitizen cancellation list from Alexandria.

16 Q. Right. Okay. So I was going to get  
17 there.

18 So on September 13th, 2016 Noel Johnson  
19 forwards you the information that he received from  
20 the City of Alexandria, correct?

21 A. Wait a minute. I think you've asked that,  
22 and I answered it, but now I'm confused by what  
23 you're asking.

24 Q. Well, I'm just trying to take it step by  
25 step and you're jumping ahead of me.

1 And so the first step is, Tuesday, September  
2 13th, Noel Johnson forwards you information from the  
3 attorney for the City of Alexandria, correct?

4 A. And it appears that information is  
5 referenced in the attachment that says  
6 noncitizen.PDF, mentalincapacity.PDF, so it appears  
7 that there was an attachment to this email exchange.

8 Q. Exactly. And so I want to ask you to turn  
9 to that attachment.

10 A. I've turned to it.

11 Q. It is an attachment to a document that  
12 says, Cancellation - Declared Non-Citizen, Alexandria  
13 City. Do you see that?

14 A. Yes.

15 Q. For a period of time from January 1st,  
16 2012 to September 13th, 2016.

17 A. That's what it says.

18 Q. Is this the document that you were  
19 referring to seeing in the inspection in Alexandria  
20 on July 25th?

21 A. It probably is. I mean, I could be proven  
22 wrong about that, but it probably was.

23 Q. And this is the record that you wanted  
24 from Alexandria; is that right?

25 A. I don't understand what you mean.

1 Q. Well, you requested this record, right?

2 A. Okay. This is the record we requested.

3 Q. Okay.

4 A. This is the record we requested in --  
5 trying to remember the exhibit number -- January of  
6 2016. Let's see what date this is. September 13th,  
7 2016.

8 Q. Where in the letter in January of 2016 do  
9 you request this record?

10 A. Well, that was your characterization of  
11 our paragraph (b), sub-(b) on page 2.

12 Q. Well, I think the transcript will speak  
13 for itself, but can you point to me anywhere in  
14 January -- this January letter -- which either the  
15 VVA dated January 25th or the PILF letter January  
16 14th to ask for this specific record?

17 A. I thought we engaged in this exercise  
18 already when you instructed me that paragraph (b) in  
19 your view would seem to satisfy that request for the  
20 noncitizen list. At the time I didn't disagree with  
21 your characterization.

22 Q. Okay. My question right now is: Can you  
23 point to me anywhere, any language in either of these  
24 two letters, January 14th from PILF or January 25th  
25 from VVA, that calls for this specific record?



1 A. Yes.

2 Q. Okay. Where is it?

3 A. (j).

4 Q. (j). (j) states, "all list maintenance  
5 records, including federal voter registration forms  
6 containing citizenship eligibility questionnaires for  
7 the last 22 months." And you're saying that this  
8 specific record was called for by item (j)?

9 A. Because it's a list maintenance record,  
10 including federal voter registration forms containing  
11 citizenship eligibility questionnaires list is just a  
12 subset of all the maintenance records. So (j) is an  
13 omnibus request.

14 Q. Fair enough. Thank you.

15 MR. DAVIS: When you get to a point, I  
16 would like to take a quick bathroom break.

17 Q. So going back to the -- well, I guess  
18 we're looking at the January records request, you had  
19 items (a) through (j), correct? Right?

20 A. Yeah.

21 Q. And that's ten categories of information,  
22 right?

23 A. I guess. I mean, the document speaks for  
24 itself.

25 Q. And then now after the inspection in July,

1 did you focus your request from Alexandria on this  
2 particular document, which is PILF Exhibit 6?

3 A. We focused our request on all the  
4 requested documents from our document inspection that  
5 we wanted.

6 Q. Okay. And so is this -- this is one of  
7 the documents you wanted.

8 A. Oh, very much so.

9 Q. Okay. And then --

10 MR. TEPE: We can go off the record.

11 VIDEO SPECIALIST: We're off the record,  
12 10:22.

13 (Proceedings recessed)

14 VIDEO SPECIALIST: We're back on the  
15 record, 10:30.

16 BY MR. TEPE:

17 Q. Did seeing the list -- strike that.

18 (PILF Exhibit 7 marked for  
19 identification: Email correspondence  
20 from (topmost) C Adams sent 8/5/2016  
21 PILF-ADAMS-0000654 - 657)

22 MR. TEPE: The court reporter has marked  
23 as PILF Exhibit 7 a document Bates number 654.

24 Q. Mr. Adams, do you recognize this?

25 A. I have seen this before.

1 Q. And so there's an email dated August 5th,  
2 2016 from you to Shawna Powell copying Noel Johnson,  
3 correct?

4 A. That's what it says.

5 Q. Attached to it is a marked-up draft of a  
6 letter; is that correct?

7 A. Yes.

8 Q. And this is a letter from PILF to -- or a  
9 planned letter -- from PILF to a bunch of election  
10 jurisdictions; is that right?

11 A. Well, you say "a bunch," but you can count  
12 the number, but I won't disagree that that's what it  
13 generally is, with the exception of potentially one,  
14 two, three, four, five, six, seven, eight ... 19  
15 jurisdictions.

16 Q. Nineteen jurisdictions. Okay. And these  
17 are edits that you made to this letter, correct?

18 A. If you say so. I'm -- well, I mean, it  
19 would stand to reason the way this is presented to me  
20 that these were my edits, yes.

21 Q. So it's a marked-up document, and in your  
22 email to Ms. Powell you say, okay, here you go,  
23 revised.

24 A. Right, but that doesn't necessarily answer  
25 the question if they're my edits. It might have been

1       somebody else gave them to me. There's a good chance  
2       they're my edits. There's some chance they're not.

3           Q. But someone at PILF edited this for sure.

4           A. Almost certainly, yes.

5           Q. So this is a letter, again, making a  
6       request for inspection of records relating to voter  
7       list maintenance obligations under the National Voter  
8       Registration Act.

9           A. It is.

10          Q. Okay. And you in this letter, draft  
11       letter, you request four things; is that correct?

12          A. It's what it shows.

13          Q. And --

14          A. I can tell you what they are, if you'd  
15       like.

16          Q. I want to direct your attention to item 2,  
17       specifically the language that is struck. Do you  
18       agree -- do you see a list of all individuals? Do  
19       you see that that's been deleted?

20          A. Right.

21          Q. It says:

22               "A list of all individuals who have  
23               been purged from your jurisdiction's  
24               voter registration lists in the last  
25               two years because the individual was

1 not a citizen of the United States  
2 of America, along with the date on  
3 which each purged individual last  
4 voted."

5 Okay. So someone at PILF, presumably you,  
6 struck that language, correct?

7 A. Correct.

8 Q. Okay.

9 A. That's what the document shows.

10 Q. And the document also shows that, instead  
11 of that language, it appears you went with the  
12 language that is here under number 1.

13 A. Number 1 is a revision to the document.

14 Q. Right. And so a revision of that  
15 language, correct, that says document -- the revised  
16 language says:

17 "Documents regarding all registrants  
18 who are identified as potentially  
19 not satisfying the citizenship  
20 requirements for registration from  
21 any information source,  
22 including"....

23 And then it lists a couple of things, correct?

24 A. That's what the edit shows.

25 Q. All right.

1 (Johnson Exhibit 2

2 previously marked for identification

3 and referenced herein: Email

4 correspondence from (topmost) N

5 Johnson sent 8/16/2016 with

6 attachments

7 PILF-ADAMS-0009064 - 9135)

8 MR. TEPE: The witness is being handed an  
9 exhibit that was previously marked as Johnson 2.

10 Q. And I really just want to have you confirm  
11 that the draft letter that we were looking at in PILF  
12 Exhibit 7, a copy of that is here in Johnson Exhibit  
13 2, starting on page Bates number 9067; is that right?

14 A. It appears to be.

15 Q. And so this particular letter is to the  
16 registrar for Prince William County, correct?

17 A. That's what it says.

18 Q. Dated August 8th, 2016, and it has that  
19 same language in the request number 1, right,  
20 documents regarding all registrants who are  
21 identified as potentially not satisfying the  
22 citizenship requirements, right?

23 A. I mean, I haven't done a document compare,  
24 but I have no reason to, looking at it with the  
25 amount of time I have, to disagree.

1           Q. This request does not seek a list of  
2 people canceled because the individual was in fact  
3 not a citizen of the United States, does it.

4           A. No, I would disagree with that. And the  
5 reason I would disagree with that is because of a  
6 variety of information that came to our attention  
7 regarding these VERIS reports directly from election  
8 officials.

9           For example, Ann Leider at Alexandria City  
10 told me very directly and very specifically that the  
11 individuals on this list were noncitizens, and she  
12 told me very specifically and very directly that they  
13 had testified or affirmed under oath, I should say,  
14 under penalty of perjury, that they were noncitizens,  
15 and that's how they ended up on this list.

16           After I learned that from the Alexandria  
17 general registrar, I had conversations with other  
18 elected officials -- I'm sorry, other election  
19 officials -- who corroborated Ann Leider's statements  
20 to me that, if you are on this list, Cancellation -  
21 Declared Non-Citizen, you were a noncitizen who had,  
22 under oath, under penalty of perjury, asserted that  
23 they were a noncitizen, and then the state engaged in  
24 a follow-up process to give them the opportunity to  
25 withdraw that under-oath assertion that they were a

1 noncitizen.

2 So I would disagree with the characterization  
3 that paragraph 1 does not ask for this information.

4 Q. Who were the other officials that you say  
5 corroborated Ms. Leider's --

6 A. Multiple -- I'm sorry -- multiple  
7 discussions with other general registrars.

8 Q. Who?

9 A. Well, when I spoke with other general  
10 registrars around the state, they gave me an account  
11 entirely consistent with Ann Leider's. I spoke with  
12 former general registrars in Virginia who validated  
13 Ann Leider's assertion that, when you showed up on  
14 the Cancellation - Declared Non-Citizen list, you did  
15 so because you declared yourself that you were a  
16 noncitizen, under oath, under penalty of perjury,  
17 with the state, then, making a subsequent secondary  
18 declaration based on their inquiries that you were  
19 also a noncitizen. There was no ambiguity about  
20 this -- none.

21 Q. Okay. My question was who?

22 A. Well --

23 Q. Who did you speak with?

24 A. I spoke with Ann Leider, other general  
25 registrars.



1 Q. Who?

2 A. Other general registrars, such as Cameron  
3 Quinn --

4 Q. Cameron Quinn.

5 A. -- Fairfax County general registrar. I  
6 spoke with former state election directors in  
7 Virginia.

8 Q. Who?

9 A. Cameron Quinn was a state election  
10 director. I spoke with Don Palmer. All of these  
11 individuals confirmed, without any equivocation or  
12 contradiction, that when you are on the declared  
13 noncitizen list you were a noncitizen.

14 Q. Anyone else?

15 A. Yeah, there were others. I can't remember  
16 all of them, but there's multiple, and I heard the  
17 exact same version over and over and over again  
18 without any ambiguity.

19 And, as a matter of fact, if you look at the  
20 exhibit --

21 Q. There's no question.

22 A. The question is still pending.

23 Q. No, there is no question pending.

24 MR. DAVIS: Yeah, let's --

25 A. Right.

1 Q. Okay. So but it is, as you just  
2 testified, in the draft letter, which is PILF Exhibit  
3 7, the language seeking a list of all individuals who  
4 have been purged from your jurisdiction's voting  
5 registration lists in the last two years because the  
6 individual was not a citizen of the United States of  
7 America was struck, correct?

8 A. Okay. I don't see where you are.

9 Q. Okay. It's what we covered --

10 A. You're on the draft -- what exhibit  
11 number?

12 Q. PILF Exhibit 7.

13 A. 7 ...

14 Q. The draft letter.

15 A. Okay.

16 Q. The language that we had looked at that  
17 had been struck.

18 A. Right. We didn't need that language  
19 anymore because numerous election officials had told  
20 us, former general registrars -- excuse me, I made  
21 that mistake again -- former election officials --  
22 had told us that, when you were on the canceled  
23 declared noncitizen, that was determinative, that  
24 somebody -- that the voter had testified, under oath,  
25 under penalty of perjury, in the DMV process that

1       they were noncitizens, and that the state did a  
2       subsequent or the county did a subsequent follow-up  
3       to validate that under-oath assertion.

4               So our focus changed, because every election  
5       official who I spoke with told us that there was no  
6       ambiguity about these people being noncitizens.

7               And so, yes indeed, we narrowed our focus to  
8       something far more useful, which is the broader  
9       inquiry of all of the documents, not just this  
10      particular document.

11              And, as a matter of fact, if you look at Billy  
12      Tunner's email to us in -- I'm not sure it's  
13      marked -- it's VVA Deposition Exhibit 7 -- actually  
14      that's not it. It's the forwarding email that you  
15      asked me about.

16              Mr. Tunner, who is the lawyer for Ann  
17      Leider -- it's Deposition Exhibit 7 -- I'm sorry,  
18      that's not it. It's a Tunner email you sent -- or  
19      you asked me about. Mr. Tunner very specifically  
20      says these are individuals determined to be  
21      noncitizens, and he's an attorney for the Alexandria  
22      general registrar.

23              Q. He was just quoting back language that you  
24      guys had used, correct?

25              A. Well, he was, but that's good enough,

1       isn't it now. And not only that, he's quoting  
2       language back that his client had said to me. So  
3       it's a double verification. He was quoting language  
4       that his client said to me that these were  
5       noncitizens, who happened to be, by the way, the  
6       client was the general registrar of the City of  
7       Alexandria.

8               Q. Okay. So you struck language seeking a  
9       list of individuals who had been purged because the  
10      individual was not a citizen of the United States and  
11      replaced that with language seeking documents  
12      regarding all registrants who are identified as  
13      potentially not satisfying the citizenship  
14      requirements, correct?

15             A. That's what it says, and we did that  
16      because we wanted a wider and more systematic and  
17      thorough examination of the entire citizenship  
18      process that obviously we discovered in the summer of  
19      '16 had significant flaws that --

20             Q. Okay.

21             A. Can I finish? -- that was allowing  
22      noncitizens. So the change was made to have a  
23      broader inquiry to get a more holistic assessment of  
24      the problems in the Commonwealth.

25             Q. And so this letter that was edited on

1 August 5th -- looking at PILF Exhibit 7 -- came less  
2 than two weeks after the inspection on July 25th in  
3 Alexandria, correct?

4 A. I mean, the dates speak for themselves on  
5 the document.

6 (PILF Exhibit 8 marked for  
7 identification: Email correspondence  
8 from (topmost) N Johnson sent  
9 8/17/2016 with attachment  
10 PILF-ADAMS-0008942 - 0008989)

11 MR. TEPE: The court reporter has marked  
12 as PILF Exhibit 8 a document with the Bates number  
13 8942.

14 Q. Do you see that?

15 A. Exhibit 8, yeah.

16 Q. And attached to this email is a series of  
17 letters to other jurisdictions similar to the one  
18 that we just looked at in PILF Exhibit 7, right?

19 A. Well, give me a moment, please. Yeah, I  
20 don't see anything other than that attached on 8.

21 Q. And all of these requests contain the same  
22 language for request number 1, documents regarding  
23 all registrants who were identified as potentially  
24 not satisfying the citizenship requirements for  
25 registration.

1           A. Okay. I'd have to go through and do it  
2 all -- I will tell you that I assume it does, but at  
3 this point we were doing a more holistic, thorough  
4 examination of what was going wrong in Virginia as  
5 opposed to the earlier simple request for a list of  
6 names.

7           By this point we had evolved to trying to  
8 determine what the root cause was of these  
9 noncitizens getting on the rolls, and so it would be  
10 consistent with that change in focus that the August  
11 8th letter had the more holistic request. But I  
12 could go through and verify every one, if you want me  
13 to.

14          Q. So if I understand your testimony,  
15 changing the request from a list of noncitizens of  
16 the United States to a list of registrants who were  
17 identified as potentially not satisfying the  
18 citizenship requirements is a more holistic request?

19          A. That's part of it. The "potentially"  
20 wasn't the important part.

21          Q. I'm sorry?

22          A. I said that's -- my answer was that's part  
23 of it, but the word "potentially" was not the  
24 important part of the request, who were identified as  
25 potentially not satisfying. The word "potentially"

1 is largely irrelevant.

2 What is more relevant is the broader inquiry  
3 as to what's going wrong in Virginia, what causes  
4 this to happen, what do you do about it when you  
5 discover there's a problem.

6 We were trying, rather than just getting a  
7 list of people who were noncitizens who were removed,  
8 we were attempting to take the temperature of what's  
9 -- and to actually get a lot more than temperature --  
10 we were trying to get all sorts of vitals, if you  
11 will, as to what the broader problem was in the  
12 state. And you do that by looking at all the  
13 documents associated with it.

14 At this point we had heard from, as I said  
15 earlier, a number of election officials who were  
16 guiding us as to what the best approach was as far as  
17 asking for documents, and I already testified as to  
18 who they were.

19 Q. And so if I understand what you're saying,  
20 in order to figure out -- strike that.

21 To answer the question of whether or not there  
22 are noncitizens turning up on the registration  
23 lists --

24 A. Well, that question is already answered.

25 Q. I'm in the middle of my question.

1 A. Oh, I'm sorry. I thought you asked one.

2 Q. No. So to answer the question of whether  
3 or not there are noncitizens turning up on the voting  
4 rolls, you felt it was necessary to not rely on a  
5 single document or list but to look at the greater  
6 context of how these people were showing up and  
7 whether or not they were --

8 A. No -- sorry.

9 Q. -- and whether or not, you know, they  
10 should be on that list.

11 A. I disagree with your premise. The  
12 question as to whether noncitizens were showing up on  
13 the voter rolls had already been answered. It had  
14 been answered by the face of this document. It had  
15 been answered by election officials in Alexandria who  
16 told me these were noncitizens who were on the rolls.  
17 It had been answered by other former Virginia  
18 election officials who told me noncitizens were on  
19 the rolls. So I question your premise.

20 What we were trying to do is to figure out why  
21 it was happening, not if it was happening. If had  
22 already been established. There are noncitizens on  
23 this list.

24 Q. Okay. And so are you saying that all  
25 those people are noncitizens?



1           A. I'm saying there are noncitizens on this  
2 list. I didn't have the ability to figure out if  
3 there aren't noncitizens on this list. But when  
4 election officials told me these are noncitizens, it  
5 is inherently reliable, and my next question is why  
6 is this happening.

7           Q. Okay. So just so I understand your  
8 testimony, at this time in -- I guess we're in August  
9 of 2016 -- well --

10          A. You are. You're in August of 2016.

11          Q. Well, the exhibit we were looking at,  
12 which is PILF Exhibit 7 -- is that right, the one  
13 with the list that you were just pointing at?

14          A. The Alexandria list of noncitizens,  
15 declared noncitizens, Exhibit 6, was produced, it  
16 appears, on September 13, 2016.

17          Q. Okay. So just in terms of the timeline,  
18 you hadn't in August received that list from  
19 Alexandria, correct?

20          A. I had seen the list.

21          Q. You had seen --

22          A. And I had a discussion with both the  
23 general registrar in Alexandria about what the list  
24 meant as well as other election officials around the  
25 Commonwealth as to what the list meant.

1           So I had very much had a great deal of  
2           familiarity prior to August of 2016 about Exhibit 6,  
3           declared noncitizen list.

4           Q. Okay. So I think -- so just in terms of  
5           the timeline, you hadn't in August received the list  
6           from Alexandria, correct?

7           A. I disagree with that. I had held it in my  
8           hand. I had held it in my hand on July 25th, 2016,  
9           and I had very carefully looked at it and had  
10          discussions about the list of declared noncitizens  
11          from Alexandria with the general registrar of  
12          Alexandria.

13          Q. So you see this list and the inspection,  
14          and then that causes you to make requests of other  
15          jurisdictions, correct?

16          A. That's incorrect. I saw this list in the  
17          inspection and had a discussion with the general  
18          registrar of the City of Alexandria about it.

19          What caused us to make the subsequent  
20          inspections was something you left out and I  
21          testified about very clearly, and that was my  
22          intervening discussions with multiple election  
23          officials, former and current, in the Commonwealth  
24          about what this list in Exhibit 6, Alexandria City  
25          declared noncitizen, meant and how it was generated

1 and the inherent reliability of the list.

2 Q. Okay.

3 A. And those conversations confirmed my  
4 previous understanding, and that led to the August  
5 8th mailings going out.

6 Q. Okay. So I'm just trying to understand  
7 your testimony. Is your testimony that between July  
8 25th, when you had the inspection in Alexandria --  
9 and August, was it 4th, that draft letter -- you had  
10 conversations with former election officials.

11 A. And current. You left that out of your  
12 question.

13 Q. I'm sorry. And in PILF Exhibit 7 it's  
14 August 5th.

15 A. Yeah.

16 Q. So between July 25th and August 5th you  
17 had conversations with Ann Leider and Don Palmer and  
18 Cameron Quinn with regard to the reliability of the  
19 Cancellation - Declared Non-Citizen list.

20 A. No, my discussions predated January -- or  
21 July 25th, among some of those, but were related to  
22 this very issue. I had been in ongoing discussions  
23 with other election officials around the Commonwealth  
24 regarding this problem.

25 After I saw the list of Exhibit 6, Alexandria

1 declared noncitizens, I had subsequent conversations  
2 with a variety of individuals, among those you  
3 included, but probably also Clara Belle Wheeler.

4 So there was a variety of individuals, both  
5 before and after obtaining the list in Exhibit 6,  
6 where I was gaining an understanding of what the  
7 problem was and what this list meant. It wasn't just  
8 two weeks, if that's your question.

9 Q. So is it your testimony that you were  
10 aware of this specific list before the inspection on  
11 July 25th?

12 A. I was aware that there was available a  
13 list of people who had been declared noncitizens  
14 prior to my inspection on July 25th.

15 Q. Okay. And how did you come to that  
16 awareness?

17 A. Because a variety of election officials,  
18 both former and current, told me that there were  
19 records related to this line of inquiry that were  
20 available, if they were asked for.

21 Q. Did they tell you this via email?

22 A. I don't remember.

23 Q. Did they tell you this via letter?

24 A. Prob -- it was certainly not letter, no.  
25 It would have been written records.

1 Q. So this would be a conversation that you  
2 had?

3 A. For sure there would have been  
4 conversations.

5 Q. Okay. And when did these conversations  
6 take place?

7 A. I don't remember specifically.

8 Q. And who did they take place with?

9 A. I already answered that question.

10 Q. No, these conversations that alerted you  
11 to the specific declared noncitizens --

12 A. It wasn't this specific -- okay. I'm  
13 sorry.

14 Q. Okay. So my question is, were you aware  
15 of this specific record, the Cancellation - Declared  
16 Non-Citizen record, were you aware of this record  
17 before the inspection on July 25th?

18 A. I was aware that such similar records,  
19 substantially similar records as the one produced in  
20 Exhibit 6, existed if they were asked for, yes, from  
21 election officials around the Commonwealth because of  
22 my conversations with them.

23 Q. Right. And who specifically --

24 A. I've answered that question.

25 Q. So Cameron Quinn specifically told you

1       that this kind of record existed.

2           A. I gave you a list of some of the people  
3       that I spoke with in an ongoing effort to learn about  
4       this issue. Cameron Quinn was one person that I've  
5       had conversations with about noncitizen records.

6           Q. Understood. And my question is, did  
7       Ms. Quinn tell you that this is -- that this type of  
8       record existed before July 25th?

9           A. I don't have a specific recollection of  
10       that. Remember, Cameron Quinn was the general  
11       registrar for the largest county in the state -- in  
12       the Commonwealth, and she very much told me that  
13       there were written records detailing noncitizens that  
14       were available for the asking, yes.

15          Q. Did anyone else besides Ms. Quinn?

16          A. I've answered that. Don Palmer and I had  
17       discussions about the availability of noncitizen  
18       cancellation records. Don Palmer was the state  
19       election director for the Commonwealth of Virginia,  
20       and I found his assessments to be inherently  
21       reliable. There were others.

22          Q. But right now only Palmer and Quinn are  
23       those that you can recall?

24          A. No, that's not my testimony. I've told  
25       you two other names. Ann Leider is one, Don Palmer,

1 Cameron Quinn, Clara Belle Wheeler. Hans van  
2 Spakovsky was an election official in Virginia. He  
3 talked about the presence of noncitizen records.

4 So those are five election officials who I  
5 relied on -- and more that I can't remember -- prior  
6 to the letter of August 8th, 2016 going out. None of  
7 them offered any contradictory information.

8 (Johnson Exhibit 3

9 previously marked for identification

10 and referenced herein: Email

11 correspondence from (topmost) C

12 Adams sent 8/16/2016

13 PILF-ADAMS-0046537 - 0046538)

14 MR. TEPE: The witness has been handed  
15 what's been previously marked as Johnson Exhibit 3.

16 Q. Do you recognize this document?

17 A. I think I have seen this document before.

18 Q. So this is an email that begins with an  
19 email from Prince William County dated August 16th to  
20 Public Interest Legal Foundation; is that correct?

21 A. Right.

22 Q. And this is or that was the response to  
23 your records request, correct?

24 A. Well --

25 Q. Your August --

1           A. -- partially, right. It was not entirely  
2 the response to our records request.

3           Q. Okay. But it was -- it was a response,  
4 right?

5           A. Well, it was forwarding records, but they  
6 weren't just responding to our records request. They  
7 were also responding to the work of your law firm in  
8 getting these records.

9           Q. Okay. I'm just asking a simple  
10 question --

11          A. Well, I'm answering the truth.

12          Q. -- about the document here. So Ahmad,  
13 Rizwana Ahmad, sends to Public Interest Legal  
14 Foundation, "Secretary Powell, in an effort to submit  
15 a timely response, I wanted to contact you via  
16 email," correct?

17          A. That's what it says.

18          Q. Okay. And then Noel Johnson forwards that  
19 to you and copies Kaylan Phillips and Joseph  
20 Vanderhulst, correct?

21          A. That's what it says.

22          Q. And those are people who also work at  
23 PILF, right?

24          A. They -- yes.

25          Q. Okay. And what was forwarded was the -- a



1 copy of the cancellation list that we had previously  
2 looked at, the declared noncitizen cancellation list,  
3 right?

4 A. The Prince William version of Exhibit 6.

5 Q. Correct. And then at the top you  
6 responded on August 16th at 6:05 p.m., "As you saw,  
7 David Norcross said we've hit paydirt." Do you see  
8 that?

9 A. I do.

10 Q. Okay. Who is David Norcross?

11 A. He's a board member.

12 Q. But at this time he wasn't.

13 A. He was not.

14 Q. Right. And at this time, in August of  
15 2016, who was David Norcross?

16 A. He was a client.

17 Q. He was one of the plaintiffs in the VVA  
18 lawsuit against the City of Alexandria?

19 A. Right.

20 Q. Okay. Now when you said, "As you saw,  
21 David Norcross said we've hit paydirt," was this a  
22 conversation that you had with Mr. Norcross?

23 A. I did. I was thoroughly happy that your  
24 law firm had helped us acquire these documents  
25 through the good work of one of your lawyers there

1 and had made contact with Prince William County, did  
2 a lot of good work to help us get these documents  
3 through the work of Skadden Arps.

4 Q. Okay. You realize that you're under oath,  
5 correct?

6 A. I do.

7 Q. Right. And what evidence do you have that  
8 Skadden Arps, as a law firm, had any involvement in  
9 this records request?

10 A. Well, there were Skadden Arps emails from  
11 Skadden Arps lawyers, conversations with Skadden Arps  
12 lawyers that I had, and those emails were not -- not  
13 ambiguous. And Skadden Arps lawyers were assisting  
14 in this project. Are you not aware of this?

15 Q. Can you provide a copy of the retention  
16 letter in which you retained Skadden Arps?

17 A. Well, you know that you don't need a  
18 retention letter to have a client. In fact there's  
19 plenty of cases where lawyers and clients don't have  
20 retention letters. And in this particular instance I  
21 had assumed that Skadden Arps was assisting in  
22 collecting this information because they did a very  
23 good job at it. And it wasn't just to collect the  
24 information; it was the dissemination of the  
25 information, the media relations. So there was a

1 whole range of activities that your law firm was very  
2 helpful with.

3 Q. Okay. So this email, though, doesn't  
4 mention anything about Skadden Arps, does it.

5 A. Others do.

6 Q. I understand, I understand, I'm asking a  
7 question about this email.

8 (Clarification by reporter.)

9 A. This email does not mention your law  
10 firm's assistance on its face.

11 Q. Okay. So can you take a look at Johnson  
12 2?

13 A. Johnson 2?

14 Q. Yes.

15 A. I'm not sure I've seen -- oh, wait.  
16 Sorry.

17 Q. So this is the underlying email to Johnson  
18 3, which we were just looking at. It shows the email  
19 of Rizwana Ahmad on August 16th, correct?

20 A. Right.

21 Q. Okay. And attached to that email included  
22 the original request from PILF dated August 8th,  
23 2016, correct?

24 A. August ...

25 Q. Yes, August 8th, 2016, one of the

1 attachments.

2 A. Right. It was an August 8th letter.

3 Q. Right. So this is an August 8th letter  
4 from PILF, correct, asking for certain records.

5 A. Right.

6 Q. And then the previous attachment, if you  
7 go to the page ending in 9065, it's a letter from  
8 Prince William County's Registrar Michele White,  
9 right?

10 A. It's August 16th on the document.

11 Q. Okay. And Michele White says, Dear  
12 Secretary Powell, I am -- and this is dated August  
13 16th, right? I'm sorry.

14 "I am in receipt of your letter dated August  
15 8th, which reached Prince William County Office of  
16 Elections on August 12th." Do you see that?

17 A. It does say that.

18 Q. "You have requested inspection of records  
19 related to voter list maintenance, especially those  
20 identified as potentially not satisfying the  
21 citizenship requirements registration as of 2011."  
22 Do you see that?

23 A. It does say that.

24 Q. Okay. And then in the third paragraph it  
25 says, "in response to your information request, I am

1 providing a PDF of Prince William County Cancellation  
2 - Declared Non-Citizen list dating back to January  
3 1st of 2011 to the present day." Do you see that?

4 A. It says that.

5 Q. Okay. And she included one of these  
6 cancellation lists, the Prince William version of it,  
7 correct?

8 A. It's in there, declared noncitizen in  
9 Exhibit 2 Johnson.

10 Q. Right. Nowhere in this letter from  
11 Ms. White does she say that she is responding to a  
12 request of Skadden Arps, correct?

13 A. The letter doesn't tell the whole story.  
14 There's much more to this --

15 Q. My question -- my question, sir, is,  
16 nowhere in this letter from Ms. White does she say  
17 that she is responding to a request to Skadden Arps,  
18 correct?

19 A. It is true that this letter does not  
20 contain the entire story of what happened.

21 Q. So if we can go back to Johnson 3. About  
22 less than three hours after receiving the email from  
23 Rizwana Ahmad of Prince William County, you wrote,  
24 "as you saw, David Norcross said we've hit paydirt."

25 A. Right.

1 Q. And this is a conversation that you had  
2 with him, right?

3 A. Yes.

4 Q. What did he mean -- strike that.  
5 What was your understanding of him saying --  
6 the meaning of him saying "paydirt"?

7 A. I think there was an awareness, and I'm  
8 not positive about this, that he was aware of the  
9 role of Skadden Arps in the collection of this data  
10 in this project, and the fact that we had received  
11 information from Prince William County very quickly  
12 with the assistance of Skadden Arps led to a  
13 celebratory tone because of the ability to obtain  
14 information from a county, a very large county, that  
15 had received instructions from the state, by the way,  
16 a very important fact, not to provide this  
17 information to us, yet it seemed that the role of  
18 Skadden Arps was able to pry loose this information,  
19 and so we hit paydirt, and it was a celebratory tone.

20 Q. Okay. So we just looked at a letter from  
21 PILF to Prince William County, correct?

22 A. I'm sorry. What was that?

23 Q. We looked at a letter from PILF --

24 A. The August 8th letter in Johnson 2.

25 Q. Right. And this is an email that --

1       excuse me -- this is a letter, August 8th, from  
2       Secretary Powell, correct? She's the secretary at  
3       PILF?

4             A. Yeah.

5             Q. It copies Edgardo Cortes, right?

6             A. Does it? I don't see that. If you  
7       can direct me to -- oh, the letter itself?

8             Q. The letter itself.

9             A. It does.

10            Q. Okay. There's no mention of Skadden Arps  
11       on this letter.

12            A. Well, there's not, but it was delivered to  
13       Skadden Arps, and the letter was provided to Skadden  
14       Arps' lawyer in his effort to obtain the information.

15            And I can explain how that occurred and why  
16       that occurred in greater detail, but, no, you're  
17       correct, it doesn't say Skadden Arps on the letter  
18       because it didn't need to.

19            Q. Okay. And then behind the letter is a  
20       copy of looks like an envelope, right?

21            A. Yep.

22            Q. Yeah. And so the envelope says Public  
23       Interest Legal Foundation in the sender in the upper  
24       left-hand corner?

25            A. Right.

1 Q. It came from Indianapolis, right?

2 A. That's what it says.

3 Q. Right. And that's where, other than you,  
4 that's where the folks at PILF work, right?

5 A. More or less.

6 Q. Okay. And it's addressed to the General  
7 Registrar Michele White, Prince William County,  
8 right?

9 A. That's what it says.

10 Q. Okay. So this request didn't come from  
11 Skadden Arps.

12 A. This request did not, but other requests  
13 did.

14 Q. Okay. Well, I'm talking about this  
15 request.

16 A. I understand that. This one did not come  
17 from Skadden Arps.

18 (Clarification by reporter.)

19 Q. And so this request came from PILF and  
20 it's dated August 8th. We looked at the letter,  
21 right?

22 A. I think we've been through this, but, if  
23 you want to do it again, yes, August 8th.

24 Q. And Skadden Arps is not referenced at all  
25 in this letter, correct?



1           A. Nor would it be because the help provided  
2 by Skadden Arps was apart from the written  
3 communication.

4           Q. And so this letter, I believe your  
5 testimony is, yes, this letter does not contain any  
6 reference to Skadden Arps, correct?

7           A. None of the document Johnson 2, as far as  
8 I know, references Skadden Arps. As my previous  
9 testimony was, those were other documents that do.

10          Q. And so the letter responding to your  
11 August 8th request from Ms. White on August 16th has  
12 no reference to Skadden Arps, correct?

13          A. As I said a moment ago in my testimony,  
14 nothing in Johnson 2 mentions Skadden Arps.

15          Q. So I think your earlier testimony said  
16 that, when you got this list, this cancellation list  
17 from Prince William County, there was a celebratory  
18 reaction to it, right?

19          A. The celebratory reaction was because we  
20 would no longer have to fight to obtain documents  
21 because of the nice or, I'm sorry, the help of  
22 Skadden Arps allowed us to get documents that we  
23 thought we were going to have to fight to get.  
24 That's a fact.

25          Q. Okay. Right. And I understand you want

1 to just keep on putting the word "Skadden Arps"  
2 into --

3 A. No, I want to answer your question  
4 truthfully.

5 Q. -- into your answer. And so my question  
6 was, at PILF, okay, I think your earlier testimony  
7 said that, when PILF received this list, this  
8 cancellation list from Prince William County, there  
9 was a celebratory reaction to it, correct?

10 A. Because Skadden Arps helped us pry out  
11 documents which we didn't think we would be able to  
12 get without litigation.

13 Q. And this email here, Johnson 3, says, "as  
14 you saw, David Norcross said, we've hit paydirt,"  
15 right?

16 A. I've testified previously that that's what  
17 Exhibit 3 says.

18 Q. Right. And that was, I think, part of the  
19 celebratory reaction, correct?

20 A. The entire celebration was based on the  
21 fact that we got documents that we thought we were  
22 going to have to go to federal court to get, but your  
23 law firm helped us get them by communicating directly  
24 with the friendly registrar in Prince William County  
25 to pry loose these documents.

1           It is entirely based on the role of your law  
2       firm and our celebration that we would not have to go  
3       to federal court because a great service was given to  
4       us. Thank you.

5           Q. Entirely based by Skadden Arps.

6           A. No, largely based.

7           Q. Okay. Well, you said entirely based,  
8       didn't you?

9           A. Our joy was entirely based on the fact  
10      that we would not have to go to federal court to pry  
11      loose these documents that were under instructions  
12      from the state not to give us.

13          Q. You said it is --

14          A. May I finish, please?

15          Q. Certainly.

16          A. But when your lawyer called, when someone  
17      working at your law firm called the Prince William  
18      County registrar and at least told me that that's  
19      what was done, these documents suddenly appeared  
20      despite instructions from the Commonwealth not to  
21      give them to us, and we were extremely celebratory.  
22      We hit paydirt.

23          Q. And it's your testimony that the documents  
24      from Prince William County that we just looked at in  
25      response to a request of PILF was entirely based on

1 the role of Skadden Arps.

2 A. Well, I can look around the state at the  
3 empirical results --

4 Q. That's your testimony?

5 A. Well, no, it's not. I'm going to answer  
6 --

7 Q. You're going to change your earlier  
8 testimony.

9 A. No, I'm not. I'm going to explain to you  
10 why --

11 (Clarification by reporter.)

12 A. I will tell you where I -- why -- what  
13 justifies that statement. Other counties continued  
14 to follow the instructions of the Commonwealth and  
15 refused to give us the documents. That's one of the  
16 reasons that your law firm's lawyer at Skadden Arps  
17 also organized an effort to collect documents from  
18 those recalcitrant counties to try to duplicate the  
19 success he enjoyed in Prince William County in  
20 getting the documents to PILF.

21 So our reason for celebration was almost  
22 entirely over the fact that we didn't have to sue  
23 Prince William like we did Alexandria, Chesterfield  
24 and Manassas. Because of the success in obtaining  
25 the documents, we hit paydirt.

1 Q. PILF used the records that they were  
2 collecting, including these cancellation reports that  
3 we were just looking at, for a report called "Alien  
4 Invasion in Virginia," correct?

5 A. Okay. I'm sorry. We used the records in  
6 document 6 or -- I'm sorry. Which one are you asking  
7 about?

8 Q. Well, you used -- I was asking a more  
9 general question, which is, you used these  
10 cancellation reports, we've looked at one from Prince  
11 William and one from Alexandria, correct? We've  
12 looked at those two, right?

13 A. Right, right.

14 Q. You, PILF, used those records for a report  
15 called Alien Invasion in Virginia, right?

16 A. Yes, but there were other records besides  
17 the two you just referenced.

18 Q. I understand.

19 A. Okay. Some of which, once again --

20 Q. No, there's no question pending. Thank  
21 you.

22 So let's talk about that report. Who came up  
23 with the idea to write Alien Invasion in Virginia?

24 A. Well, I don't think there's any single  
25 person who came up with it. I think it's an ongoing

1 process, as you've heard my testimony, an awareness  
2 among people who are election officials, former  
3 election officials, about a defect in Virginia's  
4 citizenship voter rolls, citizenship -- noncitizens  
5 on the rolls. And I think that there was a broad  
6 understanding that there were problems, and it wasn't  
7 just one single individual. It was rather a group of  
8 experts who decided that we needed data on that. In  
9 fact --

10 Q. Okay.

11 A. -- that was clear to everybody involved.

12 Q. All right. So who decided to write Alien  
13 Invasion in Virginia?

14 A. Well, I've sort of answered that. There's  
15 no single person. It was a collaborative corporate  
16 effort to rely on the role of experts outside of  
17 PILF, rely on empirical data that we had been  
18 collecting. Rather than litigate over this, it was a  
19 desire to educate about it --

20 Q. Okay.

21 A. -- and to fix the problem.

22 Q. So there was a collective determination  
23 within PILF to write Alien Invasion in Virginia.

24 A. I think that's a fair characterization of  
25 my testimony.

1 Q. Who came up with the title "Alien Invasion  
2 in Virginia"?

3 A. I can't remember. It's probably one of  
4 the lawyers who was trying to be satirical. You  
5 know, it relates to The War of the Worlds,  
6 H.G. Wells, as kind of a spoof.

7 Q. But --

8 A. Sorry?

9 Q. I'm sorry. I didn't want to interrupt.

10 A. Well, no, go ahead.

11 Q. But you don't recall who decided --

12 A. Well, it may very well have been Noel. It  
13 was probably a collaborative effort that they  
14 presented to me, and I remember receiving a  
15 collective recommendation.

16 Q. Okay. And you said "Noel." That's Noel  
17 Johnson?

18 A. No, no, I said it was collaborative is  
19 what I said.

20 Q. Oh, I'm sorry. Okay. I thought you said  
21 Noel.

22 Was PILF trying to suggest that Virginia was  
23 being invaded by noncitizens?

24 A. Yeah, that's really funny. I mean, come  
25 on. As I said earlier, it's satire. It's humor.

1 It's an effort to use a well-known cultural reference  
2 beginning with the H.G. Wells novel through the  
3 movies of the '50s about flying saucers. It is  
4 something that universally pretty much everybody that  
5 I've seen has laughed at it and gotten the joke, and  
6 I think as a cultural reference, not something that  
7 is implying that there's an actual invasion taking  
8 place, and I think most people get that.

9 Q. Mr. Johnson was in charge of pulling  
10 together the first Alien Invasion report; is that  
11 right?

12 A. That was his testimony.

13 Q. And that's your testimony as well.

14 A. I don't have any reason to disagree with  
15 it.

16 Q. Well, you're the PILF 30(b)(6) witness.

17 A. And I'm not disagreeing with it. I think  
18 that Noel organized the layouts, the text. He had  
19 certainly help from others, but Noel certainly was  
20 leading the --

21 Q. Charge?

22 A. -- charge.

23 (Johnson Exhibit 7  
24 previously marked for identification  
25 and referenced herein: Email



1 correspondence from (topmost) N

2 Johnson sent 9/29/2016 with

3 attachment

4 PILF-ADAMS-0005621 - 0005636)

5 Q. Handing you what's been called -- not  
6 called -- but marked as Johnson Exhibit 7, do you  
7 recognize this document?

8 A. It looks to me like an email from Noel  
9 Johnson just to me, and I've seen it before.

10 Q. It's dated September 29th, 2016?

11 A. September -- yes.

12 Q. And says, subject line, "Draft Virginia  
13 Report."

14 A. That's what it says.

15 Q. "Christian," in the body, "Christian, here  
16 is a draft of the Virginia report with what we know  
17 so far."

18 A. That's what it says.

19 Q. This is the first draft that was sent to  
20 you for review; is that right?

21 A. I don't think so, but it might be, but I  
22 would be surprised that this would be the first -- it  
23 looks very polished at this point, but I don't know.

24 Q. Sure. Let me ask you this. You are the  
25 president of PILF, but you work in Virginia, correct?

1 A. Correct.

2 Q. Okay. And then the whole rest of the  
3 staff works in Indianapolis, Indiana, correct?

4 A. Right, but we visit each other. I fly out  
5 there; they fly out here.

6 Q. Understood. In terms of sharing work  
7 product, you primarily rely on email; is that right?

8 A. Primarily, not exclusively.

9 Q. Understood, but primarily.

10 A. Primarily, not exclusively.

11 Q. Okay.

12 A. And I do have some recollection actually  
13 of this not being the first time I saw this, because  
14 I had awareness that we would -- we would talk about  
15 things prior to this.

16 Q. And if there was any drafts of the report  
17 that were exchanged in person, that would have been  
18 produced, right?

19 A. If they still existed, and there's a  
20 chance they might not still exist. There's always a  
21 chance that there were records that were no longer in  
22 existence that we could not produce.

23 Q. Looking at a document that was previously  
24 marked as Johnson 6, do you see that?

25 (Johnson Exhibit 6

1           previously marked for identification  
2           and referenced herein: Email  
3           correspondence from (topmost) N  
4           Johnson sent 9/23/2016  
5           PILF-ADAMS-0014107 - 0014113)

6           A. Well, I see Johnson 6, and it looks like  
7           you're now dealing with a September 23rd draft, which  
8           is different than September 29th.

9           Q. Indeed it is different. And so in this  
10          Johnson Exhibit 6, it's an email from Noel Johnson to  
11          himself dated September 23rd, right?

12          A. Right. Well, it's strange. It's to  
13          himself. Okay. I've probably seen this.

14          Q. And then -- and then the draft here is,  
15          would you say, preliminary? It's only got one, two,  
16          three, four, five pages to it.

17          A. No, I wouldn't say that. I'd say it's  
18          earlier. Remember, this was not, ultimately, a very  
19          long report. I don't have -- well, I probably do  
20          have -- I don't know. You probably have a final.

21          Q. We'll get to it.

22          A. Okay. Well, I don't think the final  
23          version is exactly voluminous. So it looks to me --  
24          I would disagree with the characterization of  
25          preliminary. I would very much disagree. I think

1       that this is something that probably is a substantial  
2       portion of the way to completion at this point on  
3       September 23rd.

4               Q.   Okay.   So this draft that Johnson emailed  
5       to himself and that he testified to last week as  
6       being, you know, an initial draft, was sent to  
7       himself on September 23rd, right?

8               A.   I don't -- I don't know.   This document  
9       was sent to himself on September 23rd.   Once again, I  
10      would quibble with the characterization of an initial  
11      draft.   If that's his testimony, it will speak for  
12      itself.

13              Q.   Right.   Are you, sitting here today, are  
14      you aware of any earlier draft?

15              A.   Yes.   I'm aware that he --

16              Q.   Of Alien Invasion report.   Sorry.

17              A.   Can I finish, please?

18              Q.   I just want to clarify the question.

19              A.   I'm aware of Alien Invasion I being worked  
20      on well before September 23rd.

21              Q.   Okay.   My question is:   Are you aware of a  
22      draft Alien Invasion report prior to September 23rd?

23              A.   I'm aware that he was working on the  
24      document prior to September 23rd, yes, I am.   I'm not  
25      aware of a specific document that is in the turnover

1       that relates to that.

2           Q.   Okay.

3           A.   Those are two different things.

4           Q.   And then the first draft that is emailed  
5       to you is this one on September 29th at 4:56 p.m.,  
6       and that was previously marked as Johnson 7.

7           A.   I can't testify with certainty if this is  
8       the first time I saw a draft. This is a draft of the  
9       report as it stood on September 29th.

10          Q.   The question was that this is the first  
11       draft that was emailed to you, correct?

12          A.   I don't know.

13          Q.   Okay.

14          A.   I just -- I can't testify to that. There  
15       could have been something earlier.

16          Q.   But you're not aware of any.

17          A.   As I sit here right now, I'm not aware of  
18       any. If you have a document to show me, I'm happy to  
19       take a look at it to refresh my recollection. Plus,  
20       I'm aware of the fact that this had been worked on a  
21       lot earlier than this.

22                       (Johnson Exhibit 8  
23       previously marked for identification  
24       and referenced herein: Email  
25       correspondence from (topmost) N

1 Johnson sent 9/29/2016 with  
2 attachment

3 PILF-ADAMS-0005601 - 0005620)

4 Q. This is a document that's been previously  
5 marked as Johnson 8, and it's an email from -- it's  
6 Bates numbered 5601. Do you recognize this?

7 A. This is to me ... I mean, I've seen this  
8 document.

9 Q. Okay. And so this is an email from  
10 Mr. Johnson to you, "Subject: Virginia Report -- USE  
11 THIS ONE." "Sorry, I sent an older version. Use  
12 this one." That's what he says, right?

13 A. Which only adds to the confusion as to  
14 which is which.

15 Q. Right, but this is -- this is the second  
16 email that you received from Mr. Johnson with a draft  
17 of the report?

18 A. Well, I'm not saying that. I just  
19 testified earlier there may be others that I'm not  
20 aware of --

21 Q. Okay.

22 A. -- that were sent earlier. As a matter of  
23 fact, I have some recollection of much earlier emails  
24 regarding this report.

25 Q. Okay. But you can't, sitting here today,

1 in preparing for today's deposition, you can't point  
2 to a specific draft earlier than --

3 A. That's why I said, if you have something  
4 to refresh my recollection, I'd be happy to look at  
5 it, but I have some recollection of an earlier draft  
6 before September 29th and September 23rd.

7 (PILF Exhibit 9 marked for  
8 identification: Email correspondence  
9 from (topmost) C Adams sent  
10 9/29/2016 with attachment  
11 PILF-ADAMS-0014015 - 0014033)

12 MR. TEPE: The court reporter is marking  
13 as PILF Exhibit 9 a document that is Bates-stamped  
14 14015.

15 Q. Do you see this?

16 A. I do.

17 Q. Okay. Do you recognize this to be another  
18 draft of the Alien Invasion in Virginia report?

19 A. Well, this is my edit to it.

20 Q. Right. So you are responding to Noel  
21 Johnson on September 29th at 9:02 p.m., right?

22 A. That's what the document says.

23 Q. And you wrote, "okay, my first pass.  
24 Please keep filling in. I am going to send to Don,  
25 Reagan and Hans and ask for fast fast comments. I'll

1 copy you." Do you see that?

2 A. I see that.

3 Q. Okay. So would you agree that these  
4 appear to be edits from you to the draft -- one of  
5 the drafts -- that was sent to you about, I don't  
6 know, four hours earlier?

7 A. I wouldn't disagree with that  
8 characterization. It appears to be that.

9 Q. Who is Don?

10 A. Don Palmer.

11 Q. So you sent a draft of the report to Don  
12 for comment?

13 A. Correct.

14 Q. Who is Reagan?

15 A. Reagan George.

16 Q. Sorry. Reagan George. He was the  
17 president of VVA?

18 A. Correct.

19 Q. And Hans, that's Hans von Spakovsky?

20 A. Correct.

21 (PILF Exhibit 10 marked for  
22 identification: Email correspondence  
23 from (topmost) D Palmer sent  
24 9/30/2016 with attachment  
25 PILF-ADAMS-0013933 - 0013951)



1 MR. TEPE: The court reporter has just  
2 marked as PILF Exhibit 10, a document with Bates  
3 number 13933.

4 Q. Do you recognize this?

5 A. Yes.

6 Q. Do you recognize it to be the comments of  
7 Don Palmer back to you on the Alien Invasion draft?

8 A. Comments back to me ... yes. Yes, I do.  
9 Well, that's not entirely accurate. Some of the  
10 comments are mine. Some of the comments are Don's.  
11 So it's a mixture of my comments and Don's comments,  
12 and it would not be correct to say that they are all  
13 Don's.

14 Q. Okay. Let's look at -- what's the basis  
15 for that statement just to make sure we're on the  
16 same page?

17 A. Well, if you turn to Bates number 13936,  
18 you will see on the right-hand side of the page,  
19 Commented [DP2], that's Don Palmer, Commented [CA],  
20 that's Christian Adams.

21 Q. Okay. So it would appear that he overlaid  
22 some comments on a draft that you had already  
23 commented on.

24 A. The former statewide election director and  
25 I were working collaboratively on this draft, that's

1 correct.

2 (PILF Exhibit 11 marked for  
3 identification: Email correspondence  
4 from (topmost) N Johnson sent  
5 9/30/2016 with attachment  
6 PILF-ADAMS-0005444 - 0005586)

7 MR. TEPE: I apologize for the size of the  
8 table.

9 MR. DAVIS: That's all right.

10 MR. TEPE: Okay. The court reporter has  
11 just marked as PILF Exhibit 11 a document with Bates  
12 number ending in 5444.

13 Q. Do you recognize this document?

14 A. It is -- it says attached is report. So  
15 this is probably Alien I with exhibits -- the paper  
16 exhibits were linked to, generally speaking, to the  
17 report.

18 Q. So on September 30th at 2:21 p.m.  
19 Mr. Johnson emailed another version of the report to  
20 you and copied Reagan George, Mr. von Spakovsky,  
21 Ms. Phillips, Ms. Powell -- I think that's it --  
22 right?

23 A. That's what it appears to say.

24 Q. Christian, attached is -- in the body it  
25 says, "Christian, attached is the report with

1 exhibits ready for Fox. We'll keep working on  
2 additional stylization edits." Do you see that?

3 A. I do.

4 Q. So we're getting close to a final draft  
5 here?

6 A. Well, it says what it says, that they're  
7 going to keep working on stylization edits.

8 Q. Right.

9 A. And standing by, Kaylan is, if edits are  
10 needed. So it looks to me like we're getting close  
11 to a final draft.

12 (PILF Exhibit 12 marked for  
13 identification: Email correspondence  
14 from (topmost) C Adams sent  
15 9/30/2016 with attachment  
16 PILF-ADAMS-0013698 - 0013718)

17 MR. TEPE: The court reporter has just  
18 marked as PILF Exhibit 12 a document with Bates  
19 number 13698.

20 Q. Do you see that?

21 A. I see Exhibit 12. I haven't had a chance  
22 to read it.

23 Q. I'm not going to ask any real questions  
24 about this right now.

25 A. All right.

1 Q. I just wanted you to testify for the  
2 record that this is a draft of the Alien Invasion  
3 report reflecting your edits. Is that correct?

4 A. Well, it looks to me like on September  
5 30th, 2016 at 3:20 p.m. I was still in the process of  
6 giving commentary to the report.

7 Q. Okay. And then the attachment is Alien  
8 Invasion, Virginia Report, "jca edit."

9 A. That's what the document says.

10 Q. Indicating that this was edits from you.

11 A. Correct, that's what the annotation would  
12 infer.

13 (PILF Exhibit 13 marked for  
14 identification: Email correspondence  
15 from (topmost) N Johnson sent  
16 9/30/2016 with attachment  
17 PILF-ADAMS-0005278 - 0005421)

18 MR. TEPE: The court reporter has marked  
19 as PILF Exhibit 13 a document with Bates number 5278.

20 Q. Do you recognize this?

21 A. This is yet another version of Alien I,  
22 4:39 p.m. on November 30 -- I'm sorry -- September  
23 30, according to the document.

24 Q. And so Noel Johnson says, "Christian,  
25 attached is the updated full report with your edits."

1 A. That's what the email says.

2 Q. You can put that aside.

3 (Johnson Exhibit 9  
4 previously marked for identification  
5 and referenced herein: Email  
6 correspondence from (topmost) N  
7 Johnson sent 9/30/2016 with  
8 attachment  
9 PILF-ADAMS-0004985 - 0005128)

10 Q. The court reporter has -- this has been  
11 previously marked as Johnson Exhibit 9, document  
12 Bates number 4985.

13 Do you recognize this?

14 A. I think we talked about this earlier.  
15 Hold on. I might have this exact same --

16 Q. I think it's different.

17 MR. DAVIS: It's a different one.

18 A. Okay. I see it.

19 Q. So this is an email from Mr. Johnson dated  
20 September 30th at 6:10 p.m.?

21 A. That's what it says.

22 Q. And, well, actually let me start at the  
23 bottom. The first email is an email from you,  
24 September 30th, at 6:05 p.m., right?

25 A. That's -- yes.

1 Q. And the subject line is, and this is to  
2 Johnson, Phillips and Vanderhulst, correct?

3 A. Correct.

4 Q. The subject line: "Have report up by  
5 Sunday."

6 A. That's what it says.

7 Q. "Just occurred to me, we need the report  
8 on the website before I am on Fox. Not by much, but  
9 some." When were you going to be on Fox?

10 A. I don't remember exactly. If you have a  
11 document that would refresh my recollection, I can  
12 answer that question with specificity.

13 Q. Was it going to be Saturday morning? This  
14 is Friday.

15 A. I don't know. I just told you, if you  
16 have a document -- I don't know is the answer to that  
17 question.

18 Q. Okay. And then Ms. Phillips says in  
19 response to your request to have the report up on the  
20 website by the time you're on Fox, "I can set it to  
21 publish at a specific time, whatever time is best."  
22 Do you see that?

23 A. I see that.

24 Q. And then Mr. Johnson at 6:10 p.m. says,  
25 "This is the latest. There were some additional last

1 minute changes." But these are some tweaks to the  
2 Alien Invasion report, correct?

3 A. That's what it says.

4 Q. Other than the exhibits that we looked at,  
5 are you aware of any other drafts of the Alien  
6 Invasion report that were exchanged amongst you and  
7 the rest of the PILF team?

8 A. Oh, heavens, I'm not aware of it, as I sit  
9 here, but I wouldn't preclude it.

10 Q. Understood. But my question is are you --  
11 can you point to any other specific drafts?

12 A. Well, none are sitting in front of me, but  
13 I'm almost certain that there were drafts that were  
14 being exchanged among other people on the team that I  
15 never saw -- it didn't reach my level, if you will,  
16 yet -- that they would have been sending to each  
17 other. So the answer is probably there are.

18 Q. But you can't point to any specific drafts  
19 exchanged between you and the PILF team other than  
20 the ones we've looked at.

21 A. Well, I testified earlier that I have some  
22 recollection there actually was a draft that I saw  
23 and made comments about prior to September 23rd. I  
24 have some recollection of that.

25 Do I have a document in front of me? No. I

1 wish I did, but I don't. If you have one, I'm happy  
2 to look at it. If there's something that you have  
3 that you want me to testify about, rather than just  
4 from memory, I'm happy to do that.

5 Q. No, we don't.

6 A. I can't testify about it from memory.

7 Q. Okay. When PILF published -- you still  
8 have Exhibit Johnson 9 in front of you?

9 A. Yes.

10 Q. The date on the Alien Invasion report is  
11 September 30th, right? On the cover.

12 A. Are you asking me about the cover or the  
13 email?

14 Q. The cover of the report.

15 A. It says September 30th, 2016.

16 Q. As of this time, you had received some --  
17 you had received records from some jurisdictions that  
18 you had requested but not from other jurisdictions;  
19 is that right?

20 A. Well, this gets us back into the  
21 discussion of the helpfulness of your law firm. The  
22 answer is yes.

23 Q. Actually --

24 A. The ones that Skadden Arps lawyer was  
25 helping with tended to be the ones that we got



1 responses from. There were jurisdictions we had not  
2 received responses from and there were jurisdictions  
3 we did receive responses, including the one I  
4 testified about in Prince William.

5 Q. Okay. So my question was a simple one.  
6 As of this time, September 30th, you had received  
7 records from some jurisdictions that you had  
8 requested but not from other jurisdictions; is that  
9 right?

10 A. That's my testimony.

11 Q. Did you contemplate waiting for the other  
12 jurisdictions to publish?

13 A. We had waited a very long time for this  
14 information already. We had waited months --  
15 frankly, almost a year -- and there was no benefit to  
16 waiting.

17 Q. PILF was trying to get this report  
18 published prior to the 2016 election; is that right?

19 A. During the 2016 elections, as with every  
20 election, people talk about elections, they talk  
21 about the machinery of elections. After the  
22 elections, people don't care so much.

23 So it's important to put information in front  
24 of the public and to speak about elections when  
25 elections are taking place, because it's been my

1 experience that is when individuals care most about  
2 elections.

3 That experience is backed up by seeing what  
4 almost every single nonprofit organization in this  
5 field does, and that's ramp up their activities  
6 during election season, whether it's the ACLU, it's  
7 the League of Women Voters, whether it's PILF. We  
8 tend to do most of our work during elections to talk  
9 about elections.

10 Q. So the answer is yes, PILF was trying to  
11 get this report published prior to the 2016  
12 elections.

13 A. The answer is yes for the reasons I spoke,  
14 not anything less than that.

15 Q. Understood.

16 (PILF Exhibit 14 marked for  
17 identification: Email correspondence  
18 from (topmost) N Johnson sent  
19 6/28/2016 with attachment  
20 PILF-ADAMS-0007211 - 0007214)

21 MR. TEPE: The court reporter has marked  
22 as Exhibit, PILF Exhibit 14, a document with the  
23 number 7211.

24 Q. Do you recognize this document?

25 A. I'm seeing it now. I've probably seen it

1 at some point.

2 Q. This is an email dated June 28th, 2016  
3 from Noel Johnson to Kaylan Phillips, correct?

4 A. That's what it says.

5 Q. And attached to it is a email that would  
6 be sent out from PILF to others; is that right?

7 A. This is a fundraising email that would be  
8 sent out to others.

9 Q. So this is -- I'm sorry. So this is a  
10 fundraising email, which makes sense. There's  
11 buttons to say "Donate Now."

12 A. That's the basis for me concluding that  
13 it's a fundraising email.

14 Q. And in the second paragraph this  
15 fundraising email says, "The Foundation is leading  
16 the charge to stop the attempts by Obama, his Justice  
17 Department, and the radical left to allow lawlessness  
18 to flourish in the 2016 elections"; is that right?

19 A. That's what it says.

20 Q. Who is the radical left?

21 A. Well, organizations and donors who oppose  
22 efforts to remove citizenship from the rolls --  
23 noncitizens from the rolls -- would certainly qualify  
24 as part of the radical left, because most Americans  
25 agree that noncitizens shouldn't be on the rolls.

1           So that's one category that would constitute  
2           the radical left as anybody who is opposed to doing  
3           things to remove aliens from the voter rolls.

4           Q.   And then on the, I think, the fifth  
5           paragraph --

6           A.   One, two, three, four, five.

7           Q.   -- in the last sentence, it says, "too  
8           much" -- do you see that?

9           A.   I do see that.

10          Q.   "Too much is at stake this year to allow  
11          the votes of illegal aliens determine the results of  
12          any election in 2016."

13          A.   What's your question?

14          Q.   Is that what it says there?

15          A.   That's what it says.

16          Q.   And then in the next paragraph, "we've  
17          already filed cases to clean up the rolls in Clark  
18          County, Missouri," some other jurisdictions, and the  
19          last one is Alexandria, Virginia, right?

20          A.   Right.

21          Q.   Is this referring to the lawsuit against  
22          the registrar of Alexandria?

23          A.   Yes.

24          Q.   City of Alexandria. Okay. And then I  
25          think five paragraphs down this email says, "the hard

1 left hates citizen verification laws because they  
2 stop noncitizens from voting." Do you see that?

3 A. That's what it says.

4 Q. Okay. Do you believe that there are,  
5 well, the left, whoever that may be, want noncitizens  
6 to vote in federal elections?

7 A. Oh, I know they do. There's no question  
8 about that. Because one reason I know they do is  
9 because I was testifying at a House Judiciary  
10 Committee just a few months ago in Congress, and one  
11 of the members of the House Judiciary Committee told  
12 me that he believes that noncitizens should be voting  
13 in federal elections. He is a local Congressman by  
14 the name of Raskin.

15 So there's no question about that, not only is  
16 that opinion, which I share, personally as well as  
17 corporately, true, because some of these members of  
18 the hard left who happen to be members of Congress  
19 say so.

20 Q. Okay. So that's Democratic Congressman  
21 Raskin you're referring to?

22 A. That is who I'm referring to. In fact he  
23 introduced legislation to allow it.

24 MR. TEPE: Might be a good time to take a  
25 break before we jump into something else.

1 MR. DAVIS: Okay. Are you talking about a  
2 lunch break?

3 MR. TEPE: I think it's too early for  
4 lunch.

5 MR. DAVIS: That's fine.

6 VIDEO SPECIALIST: We are off the record,  
7 11:52.

8 (Proceedings recessed)

9 VIDEO SPECIALIST: We are back on the  
10 record, 12:03.

11 (Johnson Exhibit 10  
12 previously marked for identification  
13 and referenced herein: Alien  
14 Invasion in Virginia | The discovery  
15 and coverup of noncitizen  
16 registration and voting | September  
17 30, 2016 with attachments)

18 MR. TEPE: I've handed the witness what  
19 has been previously marked as Johnson Exhibit 10.

20 Q. Do you recognize this document?

21 A. This is a version of Alien Invasion,  
22 Johnson 10.

23 Q. Do you recognize it to be the final  
24 published report of Alien Invasion in Virginia?

25 A. I don't, but if you're asserting to me

1       that's what it is, I'll make that assumption.

2               Q.   Okay.   Yes.   It was pulled off the web,  
3       PILF's Internet site.

4               Okay.   Starting with the cover, it says "Alien  
5       Invasion in Virginia," "The discovery and coverup of  
6       noncitizen registration and voting," correct?

7               A.   It does say that.

8               Q.   And this was a joint report of PILF and  
9       VVA; is that right?

10              A.   It was.

11              Q.   And the logos of both entities are on the  
12       front cover, correct?

13              A.   They are.

14              Q.   Dated September 30th, correct?

15              A.   That's what it says.

16              Q.   2016.   If I can direct your attention to  
17       the Summary of Findings on page 2.   In the second  
18       paragraph in bold the report states, "In our small  
19       sample of just eight Virginia counties who responded  
20       to our public inspection requests, we found 1,046  
21       aliens who registered to vote illegally"; is that  
22       right?

23              A.   That's what it says.

24              Q.   Now when you say the small sample of just  
25       eight Virginia counties, these are the counties that

1       responded to your records request, right?

2           A.   These would have been the counties that  
3       gave us records, as we've had back and forth before,  
4       wasn't just in response to our records request, but  
5       these were the eight counties that gave us records.

6           Q.   And the number 1,046, does that come from  
7       the cancellation reports that we had looked at  
8       earlier?

9           A.   It's probably a tabulation from the  
10      cancellation reports.

11          Q.   Right.  So if you go to page 12, there's a  
12      chart.

13          A.   Page 12 has a list.

14          Q.   The header of the chart is "Noncitizens On  
15      the Rolls in Eight Counties"?

16          A.   No, that's not the header of the chart.  
17      Oh, I'm sorry, I'm looking at page 12 of the exhibit.  
18      What did you want me to look at?  I'm sorry.

19          Q.   Page 12 of the report.

20          A.   Got it.  Okay.  I'm at page 12 of Johnson  
21      10.

22          Q.   Right, which is the Alien Invasion report,  
23      the file copy.

24          A.   It hasn't been marked differently, so I'm  
25      calling it Johnson 10.



1 Q. Sure. And so on page 12 it says,  
2 "Noncitizens on the Rolls in Eight Counties." Do you  
3 see that chart?

4 A. Yes, I see that chart.

5 Q. And then it has TOTAL 1046?

6 A. It says that.

7 Q. Right. And it lists Prince William (433)?

8 A. It says that.

9 Q. Alexandria (70)?

10 A. It says that.

11 Q. Okay. And so this is, as I think you just  
12 testified, a tabulation of the people listed on the  
13 cancellation reports that we looked at earlier.

14 A. Well, what I testified was that it is most  
15 likely a tabulation. I'm leaving open the  
16 possibility that the math is wrong.

17 Q. And why would the math be wrong?

18 A. Because I'm very poor at doing addition.

19 Q. Okay.

20 A. But I didn't do the addition.

21 Q. Mr. Johnson did the addition?

22 A. He did, but, again, I'm -- I have  
23 confidence in Mr. Johnson adding things up correctly,  
24 but it's a tabulation.

25 Q. And then if you go to page 7 --

1 A. Of the report or --

2 Q. -- of the report, of the report. At the  
3 bottom it states, in bold -- are you there?

4 A. I am.

5 Q. Prince William County provided a list of  
6 433 noncitizens who had registered to vote in the  
7 county, but were then removed after they were  
8 determined to not be citizens. Do you see that?

9 A. Yes. This is consistent with my  
10 understanding from election officials, including Ann  
11 Leider and others, that, if they were on the list,  
12 they were determined to not be U.S. citizens.

13 Q. Okay. I'm just asking if that's what the  
14 report states.

15 A. It does state that.

16 Q. Okay. And then where the sentence ends,  
17 it has a footnote, footnote 15. Do you see that?

18 A. Well, I do. And this may be why I was  
19 describing to you my willingness to entertain the  
20 possibility of off tabulation, and footnote 15  
21 indicates that somebody is listed twice -- possibly  
22 listed twice.

23 Q. Okay. All right. So but the statement,  
24 "Prince William County provided a list of 433  
25 noncitizens who had registered to vote in the county,

1 but were then removed after they were determined to  
2 not be U.S. citizens," has a citation to footnote 15,  
3 correct?

4 A. Well, something relating --

5 Q. And then --

6 A. You asked the question, "correct?" Can I  
7 answer?

8 Q. I wasn't finished.

9 A. Okay. Well, correct, question mark, so it  
10 will be compound. I'm sorry. I was answering your  
11 question.

12 Q. So "Prince William County provided a list  
13 of 433 noncitizens who had registered to vote in the  
14 county, but were then removed after they were  
15 determined to not be U.S. citizens," that statement  
16 has off it footnote 15, correct?

17 A. Correct.

18 Q. And then footnote 15 says, "see Exhibit  
19 1," correct?

20 A. It says that.

21 Q. Okay. Now if you turn to Exhibit 1, that  
22 is the cancellation report from Prince William  
23 County, correct?

24 A. That, I mean, essentially, yes.

25 Q. And if you look at -- this is the same

1 document that we saw earlier that was supplied by  
2 Ms. White in Exhibit Johnson 2, correct?

3 A. Well, I don't know. Let me go back and  
4 look at Johnson 2.

5 As relates to Prince William, the answer would  
6 appear to be yes. Without me going through every  
7 single page, if that's your position, or your  
8 assertion, if you're representing to me it's the  
9 same, then, yes, I'll make that assumption.

10 Q. And go back to page 8 of the report.

11 A. The report itself?

12 Q. That's right.

13 A. Okay.

14 Q. So on page 8, also in bold, second  
15 paragraph, "the United States attorney in Virginia  
16 has done nothing about the felonies committed by 433  
17 aliens registering in Prince William County alone."  
18 Do you see that?

19 A. I see that.

20 Q. Okay. Now the felonies committed by the  
21 433 aliens registering in Prince William County alone  
22 is a reference to the people listed in Exhibit 1 that  
23 we just looked at.

24 A. I don't want to agree with that.

25 Q. Are there a different 433 aliens

1 registering in Prince William County?

2 A. There probably are, yes.

3 Q. Okay. But I'm asking you about your  
4 report here. "The United States Attorney of Virginia  
5 has done nothing about the felonies committed by the  
6 433 aliens registering in Prince William County  
7 alone," that statement is referencing the statement  
8 two paragraphs before where you said, PILF said  
9 Prince William County provided a list of 433  
10 noncitizens, correct?

11 A. Well, remember, though, there's that  
12 problem with multiple registration -- or the multiple  
13 listing.

14 Q. Okay. So maybe it's 432.

15 A. Or 434, I'm not sure.

16 Q. Okay. But that's a reference to the same  
17 list that we see in Exhibit 1, correct?

18 A. Well, it's an accurate statement.

19 Q. That is a reference to the list in Exhibit  
20 1, correct?

21 A. Correct.

22 Q. If you go back to the exhibit, Exhibit 1,  
23 and go to page 26 of 29, are you there?

24 A. 26?

25 Q. Page 26 of 29.

1 A. Okay.

2 Q. Do you see that?

3 A. Yeah.

4 Q. Do you see the individual "Luciania  
5 Freeman"?

6 A. Her name is there.

7 Q. And her home address?

8 A. Well, I don't know if that's her home  
9 address. That's the public record of where she --

10 Q. Right.

11 A. I don't know if it's her home address.  
12 Can I finish? I don't know if it's her home address.  
13 That is taken from the registration record.

14 Q. And so there's an address there for  
15 Ms. Freeman.

16 A. There's an address there for Ms. Freeman,  
17 correct.

18 Q. Okay. And so Ms. Freeman is one of what  
19 PILF calls the, quote, 1,046 aliens who registered to  
20 vote illegally, correct?

21 A. Well, that's based on the context of all  
22 the information we had obtained from election  
23 officials, including, for example, the attorney for  
24 the City of Alexandria that told us that that's what  
25 these lists represented.

1 Q. Okay.

2 A. So it does say that with a basis.

3 Q. Okay. I'm not asking about the basis.

4 A. All right.

5 Q. I'm just trying to make sure that you  
6 agree that --

7 A. That it says that, yes.

8 Q. -- okay, that Ms. Freeman is one of what  
9 PILF called the 1,046 aliens.

10 A. No, I don't agree with that. I agree that  
11 she is in the exhibit and I agree that the report  
12 says what it says.

13 Q. Right. And so just to make sure we're on  
14 the same page here, this exhibit where Ms. Freeman is  
15 listed is part of what makes up the 1,046 aliens who  
16 have registered to vote illegally as stated in the  
17 Alien Invasion report, correct?

18 A. If the numbers match, it's linking to that  
19 exhibit.

20 Q. Well, it's linking to this exhibit  
21 regardless, right? Ms. Freeman is one of the people  
22 that --

23 A. Her name is on the exhibit.

24 Q. Right, that allows you to say in your  
25 report 1,046, right? She's one of the 1,046, right?

1 A. If the numbers match, correct.

2 Q. Okay. It could be 1,045.

3 A. Right, right.

4 Q. Okay. But she is in that batch.

5 A. She is listed in that report.

6 Q. If you go to page 14 of the report -- are  
7 you there?

8 A. I'm there.

9 Q. Okay. About midway through the page, the  
10 report states that Prince William provided the  
11 registration applications for a subset of the 433  
12 people listed on the cancellation report.

13 A. I don't see that. What paragraph number?  
14 I'm sorry.

15 Q. It's really just by reading the third and  
16 fourth paragraph.

17 A. One, two, three, four ... Prince William.  
18 Okay. I don't see the word "subset." I'm sorry.

19 Q. That was my word. So Prince William  
20 County provided a list 433 names on it, right?

21 A. A list of 433 ... okay. It says that.

22 Q. You asked for voter registration forms --

23 A. Okay.

24 Q. -- for these people, correct?

25 A. Yes.



1 Q. Okay. They had those forms for people  
2 starting from 2015, right?

3 A. Okay. I see where -- yes, since 2015.

4 Q. Right. So you looked at voter  
5 registration applications for 84 of the 433 listed.

6 A. Well, I -- the company did.

7 Q. Right. And you're here on behalf of the  
8 company.

9 A. Right.

10 Q. So that's what I meant by subset.

11 A. Are they included in the exhibit that you  
12 can point me to?

13 Q. Well, yeah, so we can get to that. So  
14 where it says here, Prince William County removed a  
15 total of 84 noncitizens, do you see that --

16 A. I see it says that.

17 Q. -- beginning of the fourth paragraph?  
18 Okay. So it says here, "Prince William County  
19 removed a total of 84 noncitizens from its voter  
20 rolls in 2015 and 2016," and then cites to footnote  
21 30, correct?

22 A. Heavens. It cites to footnote 30.

23 Q. And footnote 30 states, "the completed  
24 registration applications provided to PILF are  
25 available at Exhibit 7."

1 A. Okay. Exhibit 7. Yes, it says that.

2 Q. Okay. So let's go to Exhibit 7. In  
3 particular, go to page 48 of 84.

4 A. 48?

5 Q. Of 84.

6 A. Okay. This is not a complete photocopy.  
7 I can't read all of it.

8 Q. Well, it's redacted.

9 A. No, it's not just redacted; it's cut off.

10 MR. DAVIS: There's on the bottom of this  
11 exhibit looks like some form of a legend that ends in  
12 2015, but it's not clear.

13 A. Let the record reflect I'm pointing to  
14 words on the bottom of the page that appear to say  
15 something August 2, 2015 but are not legible to the  
16 witness.

17 Q. Okay. Just the photocopy is a little  
18 faint. Why don't we just go off the record and see  
19 if we can get a --

20 VIDEO SPECIALIST: We're off the record,  
21 12:19.

22 (Proceedings recessed)

23 VIDEO SPECIALIST: We're on the record,  
24 12:36.

25 BY MR. TEPE:

1 Q. So, Mr. Adams, let's go to Exhibit 7, in  
2 particular, go to page 48 of 84. Do you have that in  
3 front of you?

4 A. I do.

5 Q. Okay. This is a copy of a voter  
6 registration application for Luciania Freeman; is  
7 that right?

8 A. It's part of one. There's a portion that  
9 appears to be cut off on the far right that would  
10 show the date of registration, but it's probably 95  
11 percent of one.

12 Q. Right, but that's how it appears in your  
13 Exhibit 7 --

14 A. Okay.

15 Q. -- to the PILF report, correct?

16 A. I don't know, but I'm not quibbling. I'm  
17 just telling you this is about 95 percent of one.

18 Q. All right.

19 A. It's also -- but it's not just voter  
20 registration, though, so let me amend my answer  
21 because it's not fully correct.

22 It's a record that was provided to PILF that  
23 also includes a notation that Luciania Freeman was  
24 canceled because she was declared a noncitizen on  
25 August 12, 2015. That is also part of the record.

1 It's not just the voter application. It is an  
2 additional government record related to her  
3 registration, a list maintenance record.

4 Q. Okay. I'm going to strike that as  
5 nonresponsive.

6 A. Well, but --

7 Q. But we'll get there.

8 A. I know you'll get there, but --

9 Q. Mr. Adams, I get to ask the questions.  
10 Okay?

11 A. Right, right, right.

12 MR. DAVIS: Can we go ahead and mark that  
13 as an exhibit, though?

14 MR. TEPE: We can just put it in as, you  
15 know, just a brighter photocopy of the Johnson  
16 exhibit.

17 MR. DAVIS: All I want is, when I leave  
18 here today, that to be part of the record.

19 MR. TEPE: Oh, yeah, no, we'll stick it  
20 in. You can swap it out.

21 MR. DAVIS: Okay.

22 MR. TEPE: I mean, it's just a photocopy  
23 issue of, you know, the fact that we photocopied  
24 Johnson 7, which itself is a copy of what came off  
25 the website.

1 MR. DAVIS: Okay. Fair enough.

2 BY MR. TEPE:

3 Q. So let me sort of start again.

4 MR. DAVIS: Just so the record is clear, I  
5 oppose the motion to strike as nonresponsive.

6 Q. So, Mr. Adams, Exhibit 7 to the first  
7 Alien Invasion report, page 48 of 84, there is 95, to  
8 use your terminology, percent of the voter  
9 registration application of Luciania Freeman  
10 represented, correct?

11 A. Ninety-five percent of the voter  
12 registration application or thereabouts --

13 Q. Okay. So --

14 A. -- is contained on this page in addition  
15 to other information that's part of this record.  
16 This record is not the voter registration  
17 application.

18 Q. Okay. So, Mr. Adams, so this is part of  
19 PILF's exhibit, right?

20 A. This was part of PILF's exhibit.

21 Q. Okay. And you were provided at your  
22 request voter registration applications, correct --

23 A. We were --

24 Q. -- from Prince William County?

25 A. We were provided some voter registration

1 applications; however, we didn't get those. What we  
2 got was a derivative document, by and large, and this  
3 is one of them.

4 There was both a voter registration  
5 application and a determination about that particular  
6 voter. This was not just the voter registration  
7 application. And that's an important distinction.

8 Q. Okay. Mr. Adams, let's focus on the  
9 questions that are asked. Okay?

10 A. I did.

11 Q. So you made a request of Prince William  
12 County for records, documents, regarding individuals  
13 who potentially did not satisfy the requirements for  
14 citizenship, correct? We looked at that.

15 A. That was part of the request, correct.

16 Q. Right. And you also asked for the voter  
17 registration applications for those individuals who  
18 had been canceled, correct?

19 A. Partially correct. Canceled as declared  
20 noncitizens.

21 Q. Understood, but you asked for voter  
22 registration applications for those individuals who  
23 were listed.

24 A. Right.

25 Q. Okay. And what came back to you and what

1 PILF published here in Exhibit 7 is what we're  
2 looking at today, correct?

3 A. That's what we're looking at today, but,  
4 again, I want to emphasize that this is not a voter  
5 registration application document. This is a  
6 derivative list maintenance document from a voter  
7 registration application.

8 Q. It's a photocopy of.

9 A. There's a difference, and that's not the  
10 only difference.

11 Q. Okay. Can we focus on the questions that  
12 I'm asking, or we're going to be here all day.

13 A. Well, no, we'll be here seven hours.

14 Q. Okay. And so, Mr. Adams, this is a copy  
15 of Luciania Freeman's voter registration application,  
16 correct?

17 A. No, it is not.

18 Q. Okay. What's missing?

19 A. There's nothing -- well, part of it is  
20 missing, namely, the date on the right.

21 Q. Okay.

22 A. But also it's not just something that's  
23 missing; it's something that's added. This is a copy  
24 of the derivative list maintenance document.

25 Q. Okay. We're not talking about what's

1 added, okay, Mr. Adams?

2 A. You asked me if this was a copy and you  
3 cut me off from the answer.

4 Q. I said what is missing. My question was  
5 what is missing. So I want you to focus on answering  
6 the question asked. My question was, what is  
7 missing?

8 A. A portion of the right-hand side of the  
9 original voter registration application is missing.

10 Q. Okay. Is there anything else missing?

11 A. There's nothing else missing as it appears  
12 to me right now.

13 Q. Okay. So on this application copy that we  
14 have in front of us, it's Luciania Freeman, correct?

15 MR. DAVIS: Object to the form of the  
16 question.

17 MR. TEPE: What's the basis?

18 MR. DAVIS: You're characterizing it as an  
19 application copy. I think the witness has testified  
20 that it's something derivative from an application  
21 copy, and I think there's a distinction that's  
22 important.

23 MR. TEPE: Okay. Then what's the  
24 distinction? Because Mr. Adams just testified that  
25 there was nothing else missing from the copy of the



1 voter registration application.

2 A. Is that a question to me?

3 MR. DAVIS: But he asked -- he added that  
4 there was something added to it --

5 MR. TEPE: I know.

6 MR. DAVIS: -- which makes it a derivative  
7 document, not the original registration application.

8 MR. TEPE: Yes. It's obviously not the  
9 original. It's a copy. So, so, so -- all right.

10 Q. Mr. Adams, I know you're very much itching  
11 to talk about the bottom portion of this page, but  
12 let's take it one step at a time.

13 The top portion, do you see a form?

14 A. I see a partial copy of a form that is  
15 included in a derivative list maintenance document.

16 Q. Okay. And so I want to ask you questions  
17 about that form. Okay?

18 A. You want to ask me about a part of this  
19 document.

20 Q. Yes.

21 A. Okay.

22 Q. And so the form at the top is a copy of  
23 Ms. Freeman's voter registration application,  
24 correct?

25 A. Partially.

1 Q. Okay. Because on the right-hand side  
2 there is a little bit missing, such as the last phone  
3 number -- digit of her phone number and the last  
4 digit of the date that she signed the form, correct?

5 A. That is missing on the right-hand side of  
6 the portion of the derivative list maintenance  
7 document.

8 Q. Okay. And so on this form it lists  
9 Ms. Freeman's -- an address for Ms. Freeman, correct?

10 A. It lists an address for Ms. Freeman.

11 Q. Right. It also lists an email address,  
12 correct?

13 A. It lists an email address.

14 Q. It's got a date of birth or a year of  
15 birth, I should say.

16 A. Well, it doesn't have a date of birth.

17 Q. I just corrected that.

18 A. I'm answering the question. You didn't  
19 strike it. And it has a year of birth.

20 Q. And it has most of her phone number.

21 A. It has -- the public record has her phone  
22 number, yes.

23 Q. Right. Okay. And in the upper left-hand  
24 corner the question, "are you a citizen of the  
25 United States of America," do you see that question?

1 A. Yes.

2 Q. And she checked yes, according to this  
3 document, correct?

4 A. Before she was declared a noncitizen, yes.

5 Q. Okay. So the answer is yes, she checked  
6 yes, right?

7 A. She did check yes.

8 Q. And her signature is on -- down at the  
9 bottom of the form, correct? She signed it?

10 A. She did sign it.

11 Q. And the registration statement above her  
12 signature says, "I swear/affirm, under felony penalty  
13 for making willfully false material statements or  
14 entries, that the information provided on this form  
15 is true," correct?

16 A. That's what it says.

17 Q. Okay. So when she signed this form, she  
18 was swearing that she was a citizen of the  
19 United States.

20 A. All people who sign this form do that,  
21 including her.

22 Q. Okay. Now at some point later would you  
23 agree her registration was canceled, correct?

24 A. At some point later she signed a similar  
25 form that swore under oath that she was not a

1 citizen.

2 Q. Okay. Do you have a copy of that form?

3 A. I will eventually in this case. We've  
4 asked for it in third-party discovery. And you can't  
5 get canceled in Virginia unless you sign a form from  
6 DMV swearing under oath, just like here, that you're  
7 not a citizen.

8 Q. So your understanding of how her name  
9 appeared at this time -- we're talking about at this  
10 time --

11 MR. DAVIS: What time?

12 Q. The time of the Alien Invasion I, so  
13 September 30th, 2016 -- that when Ms. Freeman appears  
14 in Exhibit -- in the Prince William County  
15 cancellation list that you have republished at  
16 Exhibit 1, it was because she provided some  
17 information at the DMV that was contrary information  
18 with regard to her citizenship.

19 A. That is a gross shortcoming of the  
20 information she provided. It is much more robust.

21 She provided a sworn statement under felony  
22 penalty for making a willfully material -- willfully  
23 false material statement the information provided in  
24 this form is correct, and she would have marked no to  
25 the question she is not a citizen, and she would have

1       executed the felony perjury attestation. And that's  
2       precisely why the canceled declared noncitizen  
3       notation appears on this record.

4             Q. Right, so -- there's a handwritten --

5             A. That's my understanding, to answer your  
6       question.

7             Q. Thank you. So at the bottom -- so you  
8       have the form at the top of this page, which is,  
9       again, page 48 of 84 of Exhibit 7. There's a  
10      handwritten notation, right? That's what you're  
11      referring to?

12            A. No, that's not what I'm referring to. I'm  
13      referring to a whole host of other information  
14      besides this --

15            Q. Okay. All right.

16            A. -- that is on the document.

17            Q. Right. So on the document there's a  
18      handwritten notation that says what?

19            A. "Canceled declared noncitizen August 12th,  
20      2015."

21            Q. Right. Okay. And that matches what's  
22      here in Exhibit 1 in the Prince William cancellation  
23      report, right?

24            A. The two documents corroborate each other.

25            Q. Okay. But it's referring to the same

1        thing, that she was canceled, that same canceled  
2        date, right?

3            A.    And the existence -- they corroborate each  
4        other, that's correct.

5            Q.    So August 12th, 2015.

6            A.    They corroborate each other.

7            Q.    Okay.    So it's the same information.

8            A.    Corroborating it -- each other.

9            Q.    Why do you say "corroborating it"?

10          A.    Because there's two government documents  
11        that are saying the same thing, that this woman is a  
12        noncitizen.

13          Q.    No, it says that she was canceled.

14          A.    No, it says declared noncitizen.

15          Q.    Right.

16          A.    That document says declared noncitizen.  
17        Two documents are in agreement that Luciania Freeman  
18        was declared a noncitizen as well as the context of  
19        discussing this with other election officials.

20          Q.    Okay.    But we're talking about the  
21        information that PILF had with regard to Ms. Freeman.

22          A.    Which includes the context of discussions  
23        with other election officials about how to interpret  
24        these documents.    You cannot separate them.

25          Q.    I'm just asking questions.

1 A. Well --

2 Q. So the question here, then, is: At the  
3 time that Alien Invasion I was published, PILF knew  
4 only two things about Ms. Freeman, right?

5 A. Wrong. Let me tell you something else.  
6 You asked me a question. One of the other things --

7 MR. DAVIS: Let him finish the question.

8 A. Okay. Right.

9 MR. DAVIS: Let him finish the question,  
10 and then you can --

11 A. Right.

12 Q. -- one, that she had registered to vote  
13 affirming under penalty of felony that she was a  
14 citizen of the United States.

15 A. That's one of many things, more than two.

16 Q. PILF also knew, with regard to Ms. Freeman  
17 specifically, that her name appeared in the  
18 Cancellation - Declared Non-Citizen report from  
19 Prince William County.

20 A. That's one of multiple things.

21 Q. What else did you know about Ms. Freeman's  
22 citizenship?

23 A. We had an extraordinary amount of  
24 information derived from conversations with multiple  
25 Virginia election officials as to the meaning -- as

1       how to interpret this information.

2               For example, since you asked me what else,  
3       I'll give you one of many examples. The email from  
4       the lawyer for the Alexandria registrar literally  
5       says these people were removed because they were  
6       determined to be not a U.S. citizen.

7               It goes far beyond simply looking at the forms  
8       itself. It was a broad holistic understanding of how  
9       to interpret these documents and was informed by  
10       multiple conversations with elected officials in  
11       Virginia -- election officials in Virginia.

12              So it wasn't just these two documents read in  
13       isolation; it was a holistic understanding of the  
14       process.

15              Q. Okay. And the correspondence that you  
16       were just referring to was the attorney for  
17       Alexandria, correct?

18              A. That was one of many conversations --

19              Q. I'm just trying --

20              A. -- that informed this holistic  
21       understanding of how to interpret those two pieces of  
22       information.

23              Q. Okay. I understand. So that was the  
24       attorney for Alexandria, right?

25              A. That was one, yes.



1 Q. Okay. And Ms. Freeman was a resident of  
2 Prince William County.

3 A. Doesn't make any difference. It's the  
4 interpretation of how the state process works.

5 The attorney for an election official was  
6 telling us, among many other people, that if you're  
7 on this list, you testified under oath under penalty  
8 of perjury that you weren't a citizen, the state had  
9 a follow-up procedure and this particular registrant  
10 never attested that they were a citizen.

11 So the registrant has a role in this process  
12 also of failing to affirm citizenship. So all of  
13 these things holistically informed the interpretation  
14 of the two narrow documents you wanted me to focus  
15 on.

16 Q. Okay. And, again, with respect to  
17 Luciania Freeman specifically, you had this document  
18 that we're looking at as page 48 of 84 in Exhibit 7,  
19 right? And you had page 26 of 29 in Exhibit 1.

20 A. I stand by my previous answer.

21 Q. That's the only --

22 MR. DAVIS: Objection, asked and answered.

23 Q. That's the only information that you had  
24 specifically about Ms. Freeman.

25 A. I stand by my previous answer again.

1 Q. Do you have other information about  
2 Ms. Freeman?

3 A. Yes.

4 Q. At this time?

5 A. Yes, how her name appeared on the list of  
6 noncitizen cancellation that I have testified to four  
7 questions ago. That was about Ms. Freeman, because  
8 it related to how she got on the list and informed  
9 whether or not we could rely on government documents  
10 that we viewed to be inherently reliable.

11 Q. Okay.

12 A. And so my answer is the same as it was  
13 four questions ago.

14 Q. Okay. So your understanding is that  
15 Ms. Freeman swore under felony penalty that she was a  
16 United States citizen at one time and then swore the  
17 opposite another time.

18 A. I've testified --

19 MR. DAVIS: Objection, asked and answered.

20 A. I've testified to that. Stand by my  
21 earlier answer.

22 Q. Did PILF attempt to reach out to  
23 Ms. Freeman to clarify the conflicting responses to  
24 the citizenship question?

25 A. We would never do that.

1 Q. Why is that?

2 A. You would never reach out to individual  
3 voters in this context and talk to her. We have no  
4 way of verifying that. There's no way to verify  
5 whether or not she's a citizen. We don't have those  
6 tools -- only law enforcement does.

7 Q. My question was, did PILF attempt to reach  
8 out to Ms. Freeman to clarify the conflicting  
9 responses, as you understood it, to the citizenship  
10 question?

11 A. I've answered that question. I stand by  
12 my answer.

13 Q. The answer is no, you --

14 A. The answer is what I said, not no. The  
15 answer is --

16 Q. Oh, so you did -- you did reach out to  
17 Ms. Freeman?

18 A. The answer is what I said.

19 Q. Did you or did you not reach out to  
20 Ms. Freeman?

21 A. I've answered the question.

22 Q. Did you or did you not reach out to  
23 Ms. Freeman?

24 A. I've answered the question.

25 Q. No, you have not. It's a simple yes or

1 no.

2 A. I stand by what I testified to.

3 Q. Which is no, you did not?

4 A. The record --

5 Q. You did not reach out to Ms. Freeman,  
6 correct?

7 A. What I testified to is in the transcript  
8 probably by now about 20 lines above what you're  
9 reading.

10 Q. And I'm asking you to clarify that record  
11 because you seem resistant. The question, again, is:  
12 Isn't it correct that you did not reach out to  
13 Ms. Freeman period?

14 A. I don't have a different answer for you.

15 Q. You had an address for her, correct?

16 A. I said I don't have -- there's an address  
17 on the form.

18 Q. And you had an email address, correct?

19 A. Asked and answered.

20 Q. And you have most of a phone number for  
21 her, correct?

22 A. I already testified to that.

23 Q. And you never reached out to Ms. Freeman,  
24 correct?

25 A. I've already answered that and testified

1 to it. It's probably about 50 lines behind this  
2 line.

3 Q. And the answer is no, you never did.

4 A. I've asked and answered that. I've  
5 answered that repeatedly now. I've told you that  
6 I've already testified to that.

7 Q. Yes, so when I first asked, you answered,  
8 not really directly, you said, we would never do  
9 that. That was your answer.

10 A. That was your opinion or my testimony, not  
11 really directly? Is that your opinion or was that my  
12 actual testimony?

13 Q. My question many lines ago was:

14 Did PILF attempt to reach out to Ms. Freeman  
15 to clarify the conflicting responses to the  
16 citizenship question?

17 Answer. We would never do that.

18 A. Stand by my testimony.

19 Q. So the answer is no, you never did.

20 A. I've answered the question.

21 Q. Why won't you say what you did or did not  
22 do?

23 A. Because I did.

24 Q. You reached out to Ms. Freeman.

25 A. I testified what we did. I'm not going to

1 answer it again.

2 Q. You reached out to Ms. Freeman. Did you  
3 call her?

4 A. I've answered this question.

5 Q. Did you -- did you email her?

6 A. I've answered the question.

7 Q. You actually haven't. I'm asking very,  
8 very simple questions.

9 Did you send her a letter to clarify her  
10 responses?

11 A. To what?

12 Q. To clarify her responses.

13 A. How could we clarify her responses? That  
14 makes no sense. I don't understand the question.

15 Q. My question is: Did you reach out to her?  
16 And you -- did you call her?

17 A. I testified -- I can't see what my  
18 testimony was. I stand by --

19 Q. You said we would never do that.

20 A. That's the 30(b)(6) answer.

21 Q. You said, we would never reach out to  
22 individual voters in this context and talk to her.  
23 What's "this context"?

24 A. The one you're asking about.

25 Q. Well, no, you're the one who said --

1 A. You have the answer.

2 Q. No, you said, in this context, and I'm  
3 trying to understand your answer. You said, we would  
4 never reach out to individual voters in this context.  
5 What's the context that you're referring to?

6 A. Your question. In other words, I was  
7 responding to your question.

8 Q. What is the context that you're referring  
9 to, my question?

10 A. Your question.

11 Q. Okay. So in the context of where PILF has  
12 one document suggesting that she answered that she is  
13 a citizen of the United States and another document  
14 suggesting that she answered that she's not a citizen  
15 of the United States, under that context, you would  
16 never reach out to clarify, which is correct?

17 A. That's a false context because that's not  
18 what the situation was.

19 Q. Well, that's -- that's why I'm asking you  
20 to answer, and what is the context?

21 A. I've testified to all of the other  
22 information we had about these documents that you're  
23 ignoring in your question related to how to interpret  
24 the documents.

25 So your question is a false hypothetical that

1 did not exist in this circumstance. There was much  
2 more than two documents. And I've answered that  
3 question at least once.

4 Q. Okay. So in this context you would never  
5 reach out to Ms. Freeman. That's your testimony.

6 A. That's -- my testimony is what it is in  
7 the previous question. I stand by it.

8 Q. And in fact you never did reach out to  
9 her, correct?

10 A. I don't know. I don't know if there was  
11 any communication with her ultimately. I have no  
12 idea, as I sit here right now.

13 Q. Are you trying to suggest the absence of  
14 evidence is evidence?

15 A. I'm not trying to suggest anything except  
16 tell you the truth.

17 Q. So you're not aware of any outreach to  
18 Ms. Freeman, correct?

19 A. As I sit here right now, I'm not.

20 MR. TEPE: Lunch?

21 MR. DAVIS: Sure.

22 VIDEO SPECIALIST: We're off the record,

23 1:00.

24 (Proceedings recessed)



AFTERNOON SESSION

VIDEO SPECIALIST: We are on the record,  
1:37.

BY MR. TEPE:

Q. Mr. Adams, you understand we're still  
under oath.

A. Yes.

Q. So before we took a break for lunch, we  
were looking at the Alien Invasion I report. I'm  
just -- sort of a segue.

Now in that report you had cited records from,  
was it, eight counties/jurisdictions?

A. May I look? I just don't remember.

Q. Roughly, if it's not exactly eight. I  
think those are the ones you reached out to, but ...

A. Nineteen.

Q. That's what you reached out to.

A. Oh, I'm sorry. Right. Okay. I --  
looking for the graph ... eight.

Q. Okay. And I think in your testimony  
before you made reference to a fact that there was a  
disagreement between PILF and election officials as  
to whether or not certain information on the  
Cancellation - Declared Non-Citizen report was  
releasable or protected under the Drivers Privacy

1 Protection Act, right?

2 A. That is a broad generalization that I will  
3 not quibble with. There's lots of different aspects  
4 of that, but, generally speaking, yes.

5 Q. Okay. And but ultimately you did get  
6 records for almost all of the jurisdictions in  
7 Virginia.

8 A. Ultimately we got records for all of the  
9 jurisdictions in Virginia by virtue of the  
10 Commonwealth of Virginia providing us a statewide  
11 cancellation noncitizen report.

12 Q. Okay. All right. So after there was a --  
13 this disagreement that you didn't quibble with,  
14 broadly speaking, was litigated in court, correct,  
15 and a court decided that the DPPA did not protect the  
16 information that you were seeking, correct?

17 A. Yes.

18 Q. Okay. And so after that court ruling,  
19 you, PILF, continued to seek from the other  
20 jurisdictions this Cancellation - Declared  
21 Non-Citizen report.

22 A. I'm sorry. I didn't hear the first word  
23 you asked. It might have been after or before, I  
24 don't know which. I'm sorry.

25 Q. So after that court ruling, so once you

1 got the court ruling, you went back to the various  
2 jurisdictions and were asking for this, this report,  
3 this cancellation report, right?

4 A. I'm not sure. I know that we  
5 reinvigorated our efforts to obtain the statewide  
6 report. If there's a document that helps me remember  
7 what we did with the counties and the local  
8 jurisdictions, it would be helpful.

9 I have some recollection of also attempting to  
10 get information from counties, but I don't have a  
11 specific recollection. At that point the state had  
12 lost, essentially, their argument that they were  
13 pushing in federal court, and we were, therefore,  
14 seeking the state list.

15 Q. Okay. I think we will get into some of  
16 those individual jurisdiction requests a little bit  
17 later, but between Alien Invasion I and Alien  
18 Invasion II, it's fair to say you got more records.

19 A. For sure.

20 Q. Okay. And you published what I've been  
21 calling -- actually it's the title of your report --  
22 Alien Invasion II, correct?

23 A. Eventually, yes.

24 Q. Okay. Why don't we take a look at that.

25 (Johnson Exhibit 11

1                   previously marked for identification  
2                   and referenced herein: Alien  
3                   Invasion II)

4                   A.   Is this two of the same or one of the  
5                   same?

6                   MR. TEPE:   That's a good question.   Maybe  
7                   it's two.   No, it's one.   The exhibit copy is  
8                   single-sided.   The counsel copy is double-sided.

9                   Okay.   And that was previously marked Johnson  
10                  11.

11                  So the witness has been handed what has been  
12                  previously marked as Johnson Exhibit 11.

13                  Q.   Do you recognize that document?

14                  A.   Well, it appears to be, without going  
15                  through what appears to be hundreds of pages, Alien  
16                  Invasion II report.

17                  Q.   Okay.   And that is, for the record, a copy  
18                  that we pulled off PILF's website.   Take a look at  
19                  it.

20                  On the cover it says, "Alien Invasion II,"  
21                  "The Sequel to the Discovery and Cover-up of  
22                  Noncitizen Registration Voting in Virginia," correct?

23                  A.   That's what it says.

24                  Q.   And then on the inside cover it has,  
25                  again, the PILF and VVA logo.

1 A. Yes.

2 Q. Okay. And this was, again, a joint  
3 project of those two organizations, right?

4 A. Yes.

5 Q. And then it's dated May 2017.

6 A. Yes, it says that.

7 Q. And then the Table of Contents is next,  
8 and some of the headings on the Table of Contents are  
9 "Introduction," "The Stakes," "Summary of Findings."  
10 There's a header called "Felonies Upon Felonies,"  
11 correct?

12 A. All of those are in the Table of Contents  
13 in the document.

14 Q. "The Extent of Noncitizen Registration in  
15 Virginia"?

16 A. Yep, that's there.

17 Q. "Can Noncitizens Affect Election  
18 Outcomes," yes?

19 A. That's there.

20 Q. Who is to "Blame for Noncitizen  
21 Registration and Voting"?

22 A. That's all there.

23 Q. Let's turn to page 1 of the report. On  
24 page 1, in the Introduction, Alien Invasion II begins  
25 with a reference back to your findings in Alien

1 Invasion I, correct?

2 A. That's what it says.

3 Q. And then it says in the first paragraph,  
4 "Our investigation revealed that in these eight  
5 Virginia localities more than 1,000 noncitizens had  
6 recently been removed from the voter rolls." Do you  
7 see that?

8 A. That's what it says.

9 Q. And in this small sample nearly 200  
10 verified ballots were cast prior to official removal,  
11 each one of them is likely a felony. Do you see  
12 that?

13 A. I see that.

14 Q. And then the report here mentions that you  
15 were able to get data on a statewide basis, right?

16 A. I don't see that, but you can -- can you  
17 direct me to that, if you want me to say that that's  
18 what it says.

19 Q. Well, right underneath the image of the  
20 first Alien Invasion report, it says "this report  
21 details the statewide problem of registered voters."

22 A. I see that it says that.

23 Q. Okay. And then it says, in the third  
24 paragraph, that you expanded your investigation to  
25 the entire Commonwealth, right?

1 A. It says that.

2 Q. Right. And then it says, quote, as a  
3 result -- presumably of the statewide investigation,  
4 right -- the number of registrants removed from voter  
5 rolls for citizenship problems during the last few  
6 election cycles grew to over 5,500.

7 A. Okay. You dropped something into the  
8 record that was not in the sentence, but I would  
9 otherwise agree with what it says apart from the part  
10 you added.

11 Q. Oh, the presumably statewide  
12 investigation?

13 A. Yeah. It doesn't say that.

14 Q. Right. But the "as a result" is referring  
15 back to the statewide investigation, right? As a  
16 result of that statewide investigation, the number of  
17 registrants removed grew to over 5,500.

18 A. Well, more or less, I mean, I wouldn't  
19 disagree with you. There's a little more to it than  
20 what you put in your question.

21 Q. Right. But there's more jurisdictions and  
22 now a longer list of people.

23 A. We have more information.

24 Q. Right. And then it says, quote, "of these  
25 illegal registrants, 1,852 cast nearly 7,500 ballots

1 in elections dating back to 1988." Do you see that?

2 A. It says that.

3 Q. And the illegal registrants is referring  
4 to the over 5,500 number; is that right?

5 A. I don't think so, but -- right, right.  
6 It's referring to the noncitizen cancellation list.

7 Q. Right, and the 5,500. So, basically, what  
8 it's saying is that, of those 5,500 illegal  
9 registrants, 1,852 cast nearly 7,500 ballots. That's  
10 what you're saying, right?

11 A. No. I mean, it says what it says.

12 Q. Okay. And then on page 2 in the Summary  
13 of Findings, the second paragraph, it states, in  
14 bold, "the numbers are alarming. 5,556 noncitizens  
15 have been removed from the voter rolls for  
16 citizenship problems in 120 of Virginia's 133 voting  
17 jurisdictions since 2011." Do you see that?

18 A. I do see it says that.

19 Q. And then in 102 of these jurisdictions,  
20 1,852 individuals cast 7,474 ballots before election  
21 officials canceled their registrations.

22 A. It says that.

23 Q. And then underneath this paragraph there's  
24 a little graphic that says 5,556 noncitizen  
25 registrations, right?



1 A. There is a graphic that says that.

2 Q. And underneath that it says 7 -- another  
3 graphic says 7,474 votes cast by noncitizens, right?

4 A. There is a graphic that says that.

5 Q. Okay. Now did VVA do the analysis that is  
6 the basis for the 1,852 individuals having voted?

7 A. Partially did the analysis, not entirely.

8 Q. Who else did the analysis?

9 A. PILF.

10 Q. And VVA worked with a Political Action  
11 Committee on this analysis, right?

12 A. I don't know.

13 Q. You don't know?

14 A. I did not know, no. Now from reading  
15 documents in this case I have more information than I  
16 did in May of 2017.

17 Q. But you certainly -- what you're saying is  
18 you're aware now that VVA worked with a PAC called  
19 Middle Resolution?

20 A. I currently have knowledge that that  
21 occurred.

22 Q. On page 3 there's a header called  
23 "Felonies Upon Felonies."

24 A. I see that.

25 Q. And it states here, "When noncitizens who

1 register actually vote, they violate both state and  
2 federal statutes because citizenship is a requirement  
3 to vote in both state and federal elections," right?

4 A. That's what it says.

5 Q. Okay. And so this is -- this is  
6 indicating that the 5,556 noncitizens that you've  
7 identified in the Summary of Findings -- or at least  
8 referenced, if not identified -- committed felonies,  
9 correct?

10 A. I would strongly disagree with that. I  
11 think that this is a statement of law on page 3.  
12 Felonies Upon Felonies is a legal section that  
13 contains accurate, factual information about various  
14 state and federal statutes and makes absolutely no  
15 reference to the individuals or data that you just  
16 referred to in your question.

17 Q. Correct. There's no direct reference, but  
18 what -- the point that you're making here in the  
19 section Felonies Upon Felonies is that, if you have  
20 noncitizens who register or actually vote, they have  
21 committed a felony, correct?

22 A. Well, it says that, but it isn't making  
23 reference to anybody other than a recitation of what  
24 the law is --

25 Q. Right.

1 A. -- without any dispute or controversy.

2 This is the law.

3 Q. Right. And elsewhere in this report you  
4 identified by name the 5,556 noncitizens, correct?

5 A. No, we don't actually.

6 Q. Well, aren't they listed in Exhibit 1?

7 A. They're listed at a link to government  
8 records, but they aren't in this report. They're in  
9 an attachment, but they're not named in this report  
10 that was distributed.

11 Q. Right.

12 A. You need to understand that this was  
13 distributed by paper and the names are not in that.

14 Q. So the second paragraph of the Summary of  
15 Findings that we just had looked at on page 2 --

16 A. Page 2. Okay.

17 Q. -- the numbers are alarming, that sentence  
18 that we read --

19 A. I see that sentence.

20 Q. -- and refers to the 5,556 noncitizens,  
21 right? And then there's a reference to an endnote  
22 number 5.

23 A. Endnote number 5, there's a 5, yeah,  
24 superscript.

25 Q. And in endnote number 5, if you go to

1       that, it says that the cancellation reports for all  
2       120 counties are available at Exhibit 1 at the link  
3       provided on page 1 of this report?

4             A.   Right, but they weren't in the report.  
5       That's an important distinction, because most of the  
6       distribution of this report or a large amount of it  
7       was by paper. We didn't include the exhibits.

8             Q.   Okay. So on the Internet, you had your  
9       report here, right?

10            A.   Right.

11            Q.   Okay. And you had a link on page 1 of the  
12       report to the exhibits, correct?

13            A.   No, we didn't. We had a link on page 2 to  
14       a footnote to take you to a link on an unnumbered  
15       page in the end notes that would ultimately get you  
16       there. So it was not -- it was a number of steps.

17            Q.   Okay. But there was -- you were linking  
18       from the report to the exhibits.

19            A.   It was possible to read the government  
20       documents based on information you got in footnote 5,  
21       although there's no link, strangely, I'm just  
22       realizing this. Footnote 5, that we would have  
23       distributed in paper copy, would actually not allow  
24       somebody to find the reports, as a matter of fact.

25            Q.   Okay. But I'm asking about how it was set

1 up on the web.

2 A. Well, that's different, but you asked me  
3 about the paper first. You asked me about the  
4 report.

5 Q. Yes.

6 A. So I'm answering about the report.

7 Q. Yes, and the report is -- can be printed  
8 in paper, right?

9 A. It was printed in paper but not the  
10 exhibits.

11 Q. But it was published on the Internet,  
12 correct? Alien Invasion I was --

13 A. There was an electronic publication of  
14 this report that is distinct from the paper  
15 publication.

16 Q. Well, it's the same publication.

17 A. Not really actually.

18 Q. Oh, so there are two different versions?

19 A. Yes.

20 Q. Okay. So what were the material  
21 differences between Alien Invasion I, excuse me,  
22 Alien Invasion II in paper form and Alien Invasion II  
23 in electronic form on PILF's website?

24 A. The paper form provided no way for people  
25 to pursue link endnote 5.

1 Q. Okay. But my question is about how it was  
2 published on the Internet.

3 A. Sure.

4 Q. Okay? And so if you have an electronic  
5 copy of PILF's report downloaded from PILF's --  
6 available on PILF's website, it links to the  
7 exhibits, correct?

8 A. Well, this is -- I mean, it probably does,  
9 but I can't say with absolute certainty because this  
10 is a paper copy. There is a link here. All of the  
11 raw data and records can be researched at a broad  
12 page, but it's -- it's a different type of link than  
13 to the direct ... Exhibit 1.

14 Q. And at endnote 5 you refer the reader to  
15 Exhibit 1 for the reports that underlie the 5,556  
16 noncitizens.

17 A. Right. It refers to that in the  
18 footnote -- in the endnote.

19 Q. And you can also take, if you had a paper  
20 copy, the link that is the web address here on page  
21 1, put that in your browser and get to the report  
22 online, correct?

23 A. Which report?

24 Q. The Alien Invasion II report.

25 A. No, that's not correct. I'm sorry.

1 That's just not correct. I don't mean to be  
2 argumentative, but that's not accurate.

3 What you can get to is a page that has a  
4 variety of links about raw data, and then you have  
5 to, once again, choose another link. It's not a link  
6 to the Alien Invasion report. It says, all the raw  
7 data and records obtained in our research into alien  
8 registration voting can be obtained at, and then  
9 that's a landing page.

10 Q. Right.

11 A. And then you have more choices at that  
12 landing page.

13 Q. Okay. And so but if you go to this  
14 landing page, which is listed here on page 1, it says  
15 here all the raw data and records obtained -- can be  
16 obtained at this link, correct?

17 A. Eventually you can obtain it, correct, but  
18 this is not a direct link to the -- you originally  
19 were asking about the exhibits, and I'm answering you  
20 that no, they can't be obtained, if you click that  
21 link. You have more steps to do.

22 Q. Okay. So you have to click on the link  
23 that says Exhibit 1.

24 A. Correct. You have to click on two links  
25 to get there.

1 Q. You have to click on two links, okay. And  
2 Alien Invasion II here tells you how to reach those  
3 records.

4 A. Where are you referring?

5 Q. Well, I'm just saying, Alien Invasion II  
6 says we've got 5,556 noncitizens, and then, you know,  
7 hanging off that is endnote 5, and endnote 5 says go  
8 to Exhibit 1, right?

9 A. Okay. This is really confusing, so bear  
10 with me. Endnote 5, cancellation reports for all 120  
11 counties are available at Exhibit 1.

12 Q. At the link provided.

13 A. At the link provided on page 1. Okay. So  
14 go back to page 1. That's the landing page.

15 Q. Right. And that's how you're able to  
16 access, as it says here, if you want to access  
17 Exhibit 1, it's at the link provided on page 1 of the  
18 report.

19 A. Right. I'm not disputing the fact that  
20 the documents are ultimately available  
21 electronically. How you get there is a difference  
22 with how you're describing it from your initial  
23 question.

24 Q. Okay. So with all that discussion of  
25 linking, I think we're all on the same page that the



1 number 5,556 comes from the records that you  
2 published in Exhibit 1 to Alien Invasion II, correct?

3 A. Yeah, once again, I assume that the tally  
4 is correct, that the people tallying it had the  
5 number correct. I have confidence they did.

6 Q. Okay. And the cancellation reports that  
7 are housed in Exhibit 1 is the same type of report  
8 that was provided by the localities that you used for  
9 Alien Invasion I, correct?

10 A. I'm sorry. I don't understand the  
11 question.

12 Q. The cancellation reports are in Exhibit 1  
13 to Alien Invasion II, correct?

14 A. Mm-hmm.

15 Q. So it's statewide, right?

16 A. Well --

17 Q. Except for a few jurisdictions that --

18 A. -- it's not statewide. It's listed by  
19 county. So, no, I'm sorry, I don't want to be  
20 argumentative, but it's not statewide. It's Augusta  
21 County, Accomack County. We don't have a statewide  
22 report. We have a report provided by the state that  
23 relates to individual counties.

24 Q. Okay. So you have a report, Cancellation  
25 - Declared Non-Citizen report, that you received from

1 the Virginia Department of Elections, correct?

2 A. Correct.

3 Q. Okay. And within that document is  
4 listings of individuals who were canceled based on  
5 their county, correct?

6 A. Right.

7 Q. Yes. And so all I'm asking is this record  
8 that's reflected in Exhibit 1 to Alien Invasion II is  
9 the same type of report that you had obtained from  
10 localities and included in Alien Invasion I.

11 A. Right. Well, to the extent that they are  
12 both the list of people who were declared by either  
13 election officials or the registrants or both that  
14 they were noncitizens.

15 Q. Well, the records reflect what they  
16 reflect, but, basically, what I'm just saying is it's  
17 the same type of report.

18 A. It's a declared noncitizen report.

19 Q. Right. The only difference between, you  
20 know, what you see in Exhibit 1 to Alien Invasion I  
21 and Exhibit 1 to Alien Invasion II is more counties  
22 in Alien Invasion II, right, more jurisdictions?

23 A. Right.

24 Q. Right? And a longer time period covered.

25 A. Hmm, I didn't realize that. I want to

1 answer your question if you give me time to look at  
2 Alien I.

3 Q. Sure.

4 A. Okay. Well, right, it's a longer time  
5 period by virtue of the fact that it was March of '17  
6 instead of August of '16. It all started going back  
7 to New Year's Day in '11.

8 Q. And then I think if you maybe flip towards  
9 the back of Exhibit 1, isn't there an extra couple of  
10 months that brings you to maybe May, or am I --

11 A. I don't think so. It says March 20th,  
12 2017, but maybe there's a -- oh, wait, there's --  
13 there are some from, I don't know, maybe those are  
14 supplemental.

15 Q. I think so.

16 A. But, yeah, some go to May, some go to  
17 March. Alien I went to August.

18 Q. Okay. So essentially same type of report,  
19 just more counties, different time period.

20 A. Right.

21 Q. Okay. Eliud Bonilla is listed in Exhibit  
22 1 to Exhibit -- strike that. Start again.

23 Eliud Bonilla is listed in Exhibit 1 to Alien  
24 Invasion II, correct?

25 A. Did we --

1 Q. Does that refresh your recollection?

2 A. Yeah, I just --

3 Q. Okay. Do you recognize the name Eliud  
4 Bonilla?

5 A. Right.

6 Q. He's one of the plaintiffs in this case.

7 A. Right, right.

8 Q. So if you go to page 100 of 486.

9 MR. DAVIS: He's on Alien II.

10 A. Okay.

11 MR. DAVIS: What page did you say?

12 MR. TEPE: 100 of 486.

13 A. Right. You've marked it with a  
14 highlighter.

15 Q. So it's got his name and an address for  
16 him, correct?

17 A. It has his name and an address.

18 Q. And this is under the Fairfax County list,  
19 correct?

20 A. Correct.

21 Q. Okay. So Mr. Bonilla is one of the 5,556  
22 noncitizens referenced in the Summary of Findings on  
23 page 2; is that right?

24 A. Well, it doesn't mention his name.

25 Q. No, I understand. It's kind of the same

1 questions I was asking with respect to Alien Invasion  
2 I.

3 A. The numbers are alarming. 5,556  
4 noncitizens have been removed from the voter rolls  
5 for citizenship problems in 120 Virginia's  
6 jurisdictions. That 5,556 is going to relate to the  
7 tally that's in exhibit -- in the exhibit.

8 Q. Okay. And so Mr. Bonilla is part of that  
9 tally of 5,556.

10 A. Right.

11 Q. Okay. And if you go to page 258 of 486,  
12 you see Luciania Freeman's name, correct?

13 A. Yes.

14 Q. And so she is also one of the 5,556  
15 noncitizens tallied on page 2 of the report.

16 A. Yes.

17 Q. And for Alien Invasion II, am I correct  
18 that PILF reviewed hundreds of voter registration  
19 applications, right?

20 A. Well, I don't know about hundreds, but if  
21 it says that --

22 Q. Let's go to page 13 of the report body.

23 A. 13?

24 Q. 13.

25 A. It's entitled "Who is to Blame For

1 Noncitizenship Registration Voting." Is that the  
2 page?

3 Q. That is the page. And then I'm going to  
4 direct you to the bottom right corner, if you would  
5 just maybe take a look at the bottom three  
6 paragraphs.

7 A. Right.

8 Q. So as I understand it, PILF looked at 764  
9 voter registration applications, correct?

10 A. That's what it says in the report.

11 Q. It says -- and so you surveyed, it says  
12 here, "in the 16 jurisdictions surveyed, PILF  
13 reviewed 764 voter registration applications  
14 submitted by applicants who were later removed for  
15 lacking U.S. citizenship," correct?

16 A. That's what it says.

17 Q. Okay. And so this is 7 -- what you're  
18 saying here is that this is 764 of, what, the five  
19 thousand plus?

20 A. It probably means that those were the only  
21 ones we could get the underlying forms for, which  
22 probably means, if our request asked for the  
23 underlying forms, the other four thousand, the  
24 counties were noncompliant in giving them to us.

25 Q. Well, isn't it your recollection that the

1 voter registration applications for going back a  
2 number of years were not kept on file?

3 A. It varies --

4 Q. Okay.

5 A. -- county to county.

6 Q. And so for 702 of those 764 applications  
7 reviewed by PILF, the registration application said  
8 that the applicant said that they were a citizen,  
9 correct?

10 A. They couldn't have gotten on the rolls  
11 otherwise, although some did, but you have to say  
12 something in the citizenship checkbox.

13 Q. Right. And so at the bottom here it says,  
14 for the remaining 702 noncitizen registrants, they  
15 checked yes in the citizenship question, right?

16 A. That's what it says.

17 Q. So if they checked yes that they were a  
18 citizen, why did you call them 702 noncitizens?

19 A. Because that's what the state said they  
20 were. That's what the local election officials said  
21 they were. And this is a long answer, by the way.

22 The voter themselves said it; otherwise, they  
23 would have been removed because they swore under oath  
24 on some document, according to the election officials  
25 that I spoke with, that they swore under oath that

1       they were not a U.S. citizen in a more recent  
2       document that would be an admission against interest.

3           Q.   Okay.  So -- I didn't mean to cut you off.

4           A.   Go ahead.

5           Q.   So what you're saying is, it's the same  
6       thing as what we discussed with Alien Invasion I.  
7       There was -- they got on the rolls because they  
8       clicked yes for the most part that they were a  
9       citizen, right, 702 of them did that you looked at,  
10      right?

11          A.   Yeah.

12          Q.   Okay.  And then you also have their names  
13      appearing in this cancellation report, right?

14          A.   Their names appeared in the cancellation  
15      report, or else we wouldn't have tallied them up in  
16      part of the tally.

17          Q.   Okay.  Other than the fact that they  
18      appeared in this cancellation report, was there any  
19      other basis for you to call them noncitizens?

20          A.   I stand by my earlier answer.  We  
21      discussed this at length involving all of my  
22      discussions with election officials and various other  
23      administrative procedures.  That formed the basis to  
24      make these sorts of statements.

25          Q.   Okay.  And so -- and just to make sure I



1 understand, that was based on conversations that you  
2 had with Don Palmer?

3 A. Look, we -- I don't want to be  
4 argumentative about this, but I've answered that  
5 three or four different ways or times, I should  
6 say --

7 Q. No, I understand.

8 A. -- earlier today.

9 Q. And I'm not --

10 A. And I stand by that answer.

11 Q. Okay. I understand. But just for clarity  
12 of the record, you say I already said X, and I want  
13 to just make sure that, when we're talking about this  
14 record here (indicating), which is -- which was  
15 published as Exhibit 1 to Alien Invasion II, the only  
16 other basis for calling these people noncitizens  
17 besides this record is are those conversations that  
18 you talked about earlier today.

19 A. No, I disagree completely with that  
20 statement. A world of experience goes into this  
21 area: a large amount of discussions with election  
22 officials, experienced review in voting rolls,  
23 litigation in other places, experience in other parts  
24 of the country, information received from  
25 statisticians. Lots of things go into the assessment

1 that, if these people have been declared noncitizens  
2 by the state, by the local election officials, and by  
3 themselves, I might add, then there is a basis to  
4 make the statements in the report. And I stand by my  
5 earlier testimony on that.

6 Q. Are any of these communications that you  
7 had with Don Palmer memorialized in email?

8 A. Yes.

9 Q. Okay.

10 A. You showed me one of them earlier today.

11 Q. No, I'm -- let me re-ask my question. Is  
12 there any communications in email in which you asked  
13 Don Palmer to say what does declared noncitizen mean  
14 in the cancellation report?

15 A. I don't recall that. I don't remember.

16 Q. Okay. Was there any email correspondence  
17 between you and Mr. von Spakovsky in which you asked  
18 him what does declared noncitizen mean in this  
19 cancellation report?

20 A. Probably not.

21 Q. Is there any email that you engaged in  
22 with Cameron Quinn in which you asked the question  
23 what does declared noncitizen mean in the  
24 cancellation report?

25 A. None that I saw in complying with

1 discovery responses.

2 Q. Are you aware of any other written  
3 communication involving these former election  
4 officials that you mentioned this morning --

5 A. I'm sorry.

6 Q. -- in which you asked, you know, what does  
7 declared noncitizen mean?

8 A. None that I saw in preparing discovery  
9 responses.

10 Q. And so these conversations were only oral.

11 MR. DAVIS: I'm sorry. I didn't hear  
12 that.

13 Q. These conversations were only oral.  
14 There's no written --

15 A. No, I would disagree with that. I think  
16 they were certainly oral, but they weren't only oral.

17 Q. Okay. Well, that's what -- I'm trying to  
18 identify, find, you know, a written document in which  
19 you asked one of these individuals to explain what  
20 declared noncitizen means.

21 A. What's the question?

22 Q. Are there such documents?

23 A. None that I saw in preparation for  
24 discovery responses. If there had been, they would  
25 have been turned over.

1 Q. If you go to Exhibit 12 of the report,  
2 and, in particular, I'll direct you to page 217 of  
3 Exhibit 12.

4 A. Oh. Right. It's 11.

5 Q. It might be tabbed. It's on the  
6 right-hand side. You see a bunch of tabs?

7 A. But for the record we're talking Johnson  
8 11, right?

9 Q. Johnson 11 is the final Alien Invasion II  
10 report.

11 A. Right, but you called it Exhibit 12.

12 Q. I'm saying Exhibit 12 to the Alien  
13 Invasion --

14 A. Oh, I see. Okay.

15 Q. And we tabbed the pages, since it is a  
16 lengthy document in front of you.

17 A. What number?

18 Q. Look on the bottom of your stack there.  
19 Do you see another tab?

20 MR. DAVIS: Are we in the realm of  
21 applications?

22 MR. TEPE: Yes.

23 MR. DAVIS: Maybe the name of the  
24 applicant would be helpful too.

25 Q. All right.

1 A. There's no page number on this, though.

2 MR. DAVIS: There's no page number on mine  
3 either.

4 MR. TEPE: Understood.

5 Q. So now that you've kind of turned over the  
6 large volume of paper in front of you, we were  
7 talking about the applications reviewed by PILF,  
8 correct? Right?

9 A. We're talking about it now, yes.

10 Q. Okay. And so the 764 applications  
11 reviewed by PILF were included in Exhibit 12 to Alien  
12 Invasion II, right?

13 A. I presume all of them are included, yes.

14 Q. Okay. All right. And so now we're  
15 looking at Exhibit 12. And I'm looking for -- one of  
16 the tabs should be for Mr. Bonilla.

17 A. You told me to go to the last tab and I've  
18 done so, and it's for somebody named Abby Sharpe  
19 Focht.

20 Q. All right. Bonilla is probably the  
21 second-to-last tab. I'm sorry.

22 A. No, it's Jeanne Rosen.

23 Q. All right.

24 A. Do you want me to stay with Rosen?

25 Q. There should be a number at the bottom,

1 PILF 50 --

2 A. Look (indicating).

3 Q. -- of the one we're looking for.

4 Understood. No?

5 A. No. I'm sorry. It's just not there.

6 This is another tabbed document.

7 Q. Yes, I understand. So if you look in the  
8 other Redweld, what's the tab there?

9 MR. DAVIS: I think, if it's the same, the  
10 tab is on the face of 49. If you flip it over, it's  
11 Bonilla, which is 50. Just the tab is on the other  
12 side.

13 MR. TEPE: Okay.

14 A. Freeman, right?

15 Q. Okay. Well, we can --

16 A. That's the last one. I'm sorry.

17 Q. That's fine. So you have published, just  
18 like with Alien Invasion I, the voter registration  
19 application of Luciania Freeman, right?

20 A. Here's Bonilla.

21 Q. All right. So we'll start with Freeman.

22 A. Right.

23 Q. Freeman, just like with Alien Invasion I,  
24 you published in Exhibit 12 here to Alien Invasion II  
25 her voter registration application, correct?

1 A. Didn't we cover this?

2 Q. Yes. And I'm just confirming, asking you  
3 to confirm, that she was published in Exhibit 12, her  
4 voter registration application was published in  
5 Exhibit 12.

6 A. Right, it's in this document.

7 Q. Okay. You just noticed Eliud Bonilla's  
8 voter registration application, okay? Let's go to  
9 him.

10 Do you see Eliud Bonilla's voter registration  
11 application there?

12 A. Yes.

13 Q. And it has an address for him, correct?

14 A. It has an address for him? I'm sorry?

15 Q. It has an address for him?

16 A. Right.

17 Q. And it has a phone number for him?

18 A. It does.

19 Q. And it has in the upper left-hand corner  
20 him checking yes to the question "are you a citizen  
21 of the United States of America," right?

22 A. It is.

23 Q. And he signed this under felony penalty  
24 for making willfully false material statements,  
25 correct? He swore to this under felony penalty.

1 A. Right.

2 Q. Okay. So at the time Alien Invasion II  
3 was published, PILF had two pieces of documentary  
4 records about Eliud Bonilla, correct? You had the  
5 copy of the voter registration application, right?

6 A. Yes. I just said that.

7 Q. And then you also had his name listed in  
8 the cancellation report for Fairfax County, correct?

9 A. No, it wasn't a generic cancellation  
10 report. It was a noncitizen -- declared noncitizen  
11 report.

12 Q. Understood.

13 A. There are generic cancellation reports,  
14 and I just want the record to be clear, he wasn't  
15 listed on a generic non -- cancellation report.

16 Q. Okay. And but it's the report that you  
17 published in Exhibit 1. So you had his appearance in  
18 two documentary pieces of evidence published by PILF,  
19 one in Exhibit 1 and one in Exhibit 12, right?

20 A. Right.

21 Q. One of those pieces of evidence, one  
22 document, shows him saying, yes, I'm a citizen of the  
23 United States, correct? That's what we just looked  
24 at in Exhibit 12.

25 A. Yeah. I think I answered you. It does.



1 Q. And then you had the cancellation report.

2 A. Where's that?

3 Q. That was Exhibit 1 where you saw Bonilla's  
4 name there, correct?

5 A. I mean, that was probably my testimony. I  
6 stand by it. I'm sure it's there.

7 Q. Before publishing Alien Invasion II, did  
8 PILF reach out to Mr. Bonilla to ask about these two  
9 pieces of documentary evidence?

10 A. As a corporate policy, we would not have  
11 done that.

12 Q. What's the corporate policy?

13 A. That we don't contact registrants or  
14 individuals because we have no utility in doing so.  
15 We can't verify anything.

16 Q. So the answer is you did not.

17 A. Well, that's a different question. I  
18 don't have any recollection as to whether or not we  
19 contacted Eliud Bonilla.

20 Q. You have no basis for saying that PILF  
21 did, correct?

22 A. It would be contrary to policy if we did,  
23 but that's not the same thing as saying that we  
24 didn't.

25 Q. Okay. But you're not aware of any

1 outreach to Mr. Bonilla.

2 A. My testimony is I don't know. I'm not  
3 aware of any.

4 Q. Is this policy written down somewhere?

5 A. Nope.

6 Q. Who made this policy?

7 A. Me.

8 Q. When did you make it?

9 A. When we were doing the project.

10 Q. Which project?

11 A. The ones we've been talking about, Alien I  
12 and II.

13 Q. So it was a policy made orally by you not  
14 to reach out to any individual listed in the Alien  
15 Invasion reports.

16 A. That's my testimony.

17 Q. And, for clarity, when I say "listed," I  
18 mean anyone appearing in Exhibit 1 to Alien Invasion  
19 II, or Exhibit 12 to Alien Invasion II. I just want  
20 to clarify.

21 A. Okay. I'm sorry. Could you repeat that?

22 Q. Okay. So my question was, so it was a  
23 policy made orally by you not to reach out to any  
24 individual listed in the Alien Invasion reports.

25 A. Well, a quibble, just a touch, with the

1 term "reach out." We were -- the policy was more  
2 specific than reach out. It was we're not to contact  
3 individuals listed in the government documents.

4 Q. Okay. And by "the government documents,"  
5 we're talking about the people who appeared in  
6 Exhibit 1 and Exhibit 12.

7 A. Correct.

8 Q. And what was the rationale behind this  
9 oral policy?

10 A. That there was no utility in contacting  
11 them because we had no means to verify what they  
12 said. All it would be is an exercise in futility  
13 with possible negative ramifications associated with  
14 it.

15 Had we done something like that, I can only  
16 imagine and speculate that your complaint might have  
17 had different paragraphs but still been filed, that  
18 contact with these individuals would be  
19 misinterpreted or otherwise misrepresented.

20 And so, given the fact that there was no way  
21 for us to verify anything that they might have told  
22 us in these conversations, we did not communicate  
23 with these individuals. There was a better way to  
24 solve the problem of noncitizens on the rolls than us  
25 talking to individuals.

1           The better way to solve the problem was to  
2       provide law enforcement officials who had the means  
3       to access the relevant data without the voter even  
4       knowing, without the voter even knowing this was  
5       going on, to verify whether or not they were  
6       citizens.

7           Q. Well, if you could provide the information  
8       to law enforcement, what was the point of publishing  
9       everyone's names and contact information?

10          A. Well, because those were -- that was the  
11       Congress's decision, not ours. Congress made the  
12       decision this is public information, not PILF, and --  
13       can I finish? Then you can ask me a question.

14          Q. Go ahead.

15          A. No, go ahead.

16          Q. No, I didn't want to interrupt. Go ahead.

17          A. But you did.

18          Q. And I apologize.

19          A. All right. Congress made the decision  
20       this is public information, not PILF. And this has  
21       been thoroughly litigated in the Eastern District of  
22       Virginia. It went to the Fourth Circuit. We relied  
23       on applicable case law as to what was public  
24       information and what was not public information.

25          We followed those court rulings. In fact, we

1       went beyond them. We may have redacted some things  
2       we didn't need to, which is unfortunate in my view,  
3       because I think it's important that we not be accused  
4       of misrepresenting what the government documents say.

5               And so I think it's important to have the  
6       government documents containing public information  
7       available for the public. These are government  
8       documents that anybody can get. They aren't private.  
9       Our purpose was to have a thorough report that could  
10      not be questioned for making up conclusions about  
11      numbers.

12             Q. Congress didn't publish the cancellation  
13      reports on the Internet, did it?

14             A. Congress made a determination that  
15      cancellation reports are public information.

16             Q. Congress did not publish the cancellation  
17      reports on the Internet, correct?

18             A. Of course they didn't, but they said that  
19      this is public information.

20             Q. PILF published the cancellation reports on  
21      the Internet, correct?

22             A. In reliance to judicial precedent in the  
23      Fourth Circuit, Congressional intent, transparency  
24      issues. There's a variety of public policy issues  
25      that informed our decision to publish this, none of

1       which, by the way, are the theories of your case, but  
2       the fact that Congress determined these to be public  
3       records.

4               Q.   And no one forced PILF to publish these  
5       cancellation reports on the Internet, correct?

6               A.   What difference does that make?  That's, I  
7       mean -- we had a First Amendment right to  
8       republish -- we have a First Amendment right to  
9       publish public information that Congress has  
10      determined to be public in order to petition the  
11      government about failures in the system, and that's  
12      exactly what we did and why we did it.

13              Q.   And it was your choice to publish this  
14      information on the Internet.

15              A.   Because we had a First Amendment right to  
16      that Congress bolstered with their decision very  
17      clearly to make this public information, and the  
18      Fourth Circuit's decision to back that up and give us  
19      this broad First Amendment right to publish  
20      government documents related to an important issue  
21      like voting.

22              And, by the way, we uncovered a huge problem  
23      here -- two huge problems -- both aliens on the rolls  
24      and the government canceling citizens.  And that's  
25      exactly why Congress gave this broad right to the

1 public to get this information, disseminate this  
2 information, and speak about this information.

3 Q. Okay. So my question was, yes or no, it  
4 was PILF's choice to publish this information on the  
5 Internet.

6 A. Not entirely. We were given the right by  
7 Congress to get the information. They chose to pass  
8 a statute that gave us that right, to exercise that  
9 right under the First Amendment, and we ultimately  
10 chose to exercise our First Amendment rights to get  
11 government information and publish it.

12 Q. And so it was PILF's choice to put this  
13 information on the Internet, when, as you testified  
14 before, you could have just handed it to law  
15 enforcement who could, as you said, I think, quietly  
16 look into verifying these issues.

17 A. I've answered the question.

18 Q. And the answer is yes?

19 A. The answer is what I said.

20 Q. The answer is PILF made a decision, for  
21 whatever rationale or reasons, PILF made a decision  
22 to publish these cancellation reports on the  
23 Internet, correct?

24 A. These cancellation reports were published  
25 on the Internet.

1 Q. One of the other voter registration  
2 applications that PILF published was for Abby Jo  
3 Focht, who is now known as Abby Jo Gearhart; is that  
4 correct?

5 A. If you could direct me to --

6 Q. I think you hit on --

7 A. The last one? I seem to recall that. If  
8 we need to get it directly, you're going to have to  
9 give me a second.

10 Q. If you see the bottom of that stack there,  
11 the bottom tab, is that Focht?

12 A. Jeanne Rosen.

13 Q. Okay.

14 MR. DAVIS: Probably a green tab.

15 A. Is it tab -- wait. There's one more.  
16 That's Rosen. There's no tabs there. This is  
17 Bonilla. This is Freeman.

18 MR. TEPE: Bill, do you have it?

19 MR. DAVIS: I have one here, yeah. Do you  
20 want to just use this one?

21 Q. Yeah, Mr. Adams, if you don't mind.

22 A. I had it a minute ago.

23 MR. DAVIS: Here, let me have that and  
24 I'll find it.

25 MR. HANSON: It's the fourth green tab --



1 MR. DAVIS: I've got it.

2 A. No, four is not it. I'm sorry.

3 Q. The application in front of you is for  
4 Abby Focht, right?

5 A. Right.

6 Q. Okay. Same questions as before. There's  
7 an address there, correct, for her?

8 A. There's an address.

9 Q. Phone number?

10 A. Yes.

11 Q. Okay. She also had checked, "are you a  
12 citizen of the United States of America," yes,  
13 correct?

14 A. She did that, yes.

15 Q. And so with respect to Ms. Focht, you had  
16 the same amount of information about her as you did  
17 about -- actually strike that.

18 So can you find Ms. Focht's name in the  
19 cancellation list?

20 A. Well, for starters, it might be on the  
21 face of this document, but this is a bad copy, and  
22 there's a notation here that I can't read on this  
23 document. So putting that aside, do you want --

24 Q. It's a received stamp, right?

25 A. Okay. Putting that aside, do you want me

1 to hunt for what?

2 Q. Okay. Does her name appear anywhere in  
3 Exhibit 1 to Alien Invasion II?

4 A. I suspect you know the answer to that, and  
5 I might not.

6 Q. The answer is no.

7 A. Okay.

8 Q. Okay. And so Ms. Focht -- PILF had no  
9 basis for saying that Ms. Focht is a noncitizen,  
10 correct?

11 A. I don't think she was -- I'm sorry.

12 MR. DAVIS: Just so -- this exhibit does  
13 have some sort of a legend on the bottom right that's  
14 not legible, but -- and it may be no more than a  
15 receipt.

16 MR. TEPE: Right, I think it's just a  
17 received date.

18 Q. Mr. Adams, the question is, you understand  
19 that her application was posted as part of Exhibit 12  
20 to Alien Invasion II, correct?

21 A. Well, that's interesting, because she  
22 wasn't part of the tally. I think we can agree on  
23 that. Because we've had a lot of testimony here that  
24 the tally number was based only on the statewide  
25 VERIS reports. So that would certainly take her

1 outside of all the characterization that you were  
2 asking about relating to felonies.

3 But my understanding is, is that she was  
4 inadvertent -- first of all, she was given to us by  
5 York, I think, as a responsive document request -- a  
6 response to a document request -- that York gave to  
7 us in response to our request. She was inadvertently  
8 posted. And my understanding is, within moments of  
9 being informed of this, her name was removed. And it  
10 was an inadvertent inclusion.

11 Q. Okay. So I think you're referring to the  
12 fact that PILF removed her application and those of  
13 50 others at one point after publication on the  
14 Internet.

15 A. Right. These applications were given to  
16 us by the registrars responsive to our request. They  
17 were included in the full disclosure of responsive  
18 documents, right. How they were characterized is  
19 subject to dispute. And as soon as we heard that she  
20 should not have been given to us by the government  
21 official, we removed the document.

22 Q. Okay. Now PILF advocated using the  
23 exhibits to Alien Invasion II to prosecute  
24 individuals, correct?

25 A. That's an oversimplification.

1 Q. Okay. Let's go to page 16 of the report.

2 A. 16?

3 Q. 16. There are a few recommendations at  
4 the end of your written report, right,  
5 Recommendations and Solutions at the top?

6 A. Right.

7 Q. Okay. And one of those recommendations is  
8 last checkbox here on the right-hand side, "law  
9 enforcement at both the federal and state levels  
10 should exercise their authority to prosecute cases of  
11 voter fraud," right? Do you see that?

12 A. Right, but I don't think that answers your  
13 question.

14 Q. "Voter registration and voting history  
15 records such as those contained in this report make  
16 prosecution an easy task," correct?

17 A. Right.

18 Q. Okay. And so PILF was advocating that law  
19 enforcement look at the records to attach to Alien  
20 Invasion II and engage in prosecutorial activity,  
21 correct?

22 A. No.

23 Q. No?

24 A. No. I think you misunderstand all of  
25 this. What PILF was advocating is that prosecutors,

1 A, start taking voter fraud seriously, which we say,  
2 and, two -- and, believe me, we have a lot of  
3 experience with this because in some places they take  
4 it seriously and in some places they don't.

5 And in this particular case we were advocating  
6 investigative activity where prosecutors,  
7 particularly the Justice Department, would have  
8 access to original records that we did not have and  
9 could make determinations as to which, if any, of  
10 these were crimes without the voter even having any  
11 awareness that it was occurring.

12 And that's what we've been advocating and will  
13 continue to advocate. Because the way the Justice  
14 Department works is you can have an investigation to  
15 get to the bottom of this problem without any contact  
16 of the voter whatsoever.

17 Q. Well, if you -- you've identified five  
18 thousand -- in Alien Invasion II, 5,556 noncitizens,  
19 correct?

20 A. Well, that's what the state did. We  
21 didn't. They identified it.

22 Q. Well, no, they didn't identify 5,556  
23 noncitizens. They gave you a list.

24 A. No, but it was a list of noncitizens.

25 Q. It was a list of people canceled.

1           A. No, you're misstating a vast amount of  
2 records.

3           (Clarification by reporter.)

4           Q. It says right here, Cancellation --  
5 Declared Noncitizen.

6           A. Right.

7           Q. Right? There's a column that says "cancel  
8 date," right?

9           A. Right. And there's a heading that says  
10 "noncitizen."

11          Q. And then there is a "cancel type," right?

12          A. Noncitizen.

13          Q. Right, it says "declared noncitizen." So  
14 this is a list of cancellations --

15          A. Of noncitizens.

16          Q. -- of people.

17          A. Noncitizens.

18          Q. And so what you're saying is all these  
19 people are noncitizens.

20          A. No, that's what the state was saying,  
21 election officials who we consulted with in relation  
22 to the preparation of this report.

23          For example, as I indicated, Ann Leider of --  
24 the Alexandria general registrar, told us these are  
25 noncitizens who admitted they were noncitizens under

1 oath in a subsequent filing.

2 Q. Well, then --

3 A. So --

4 Q. Okay. But if these are noncitizens and  
5 you're so confident of that, then why would  
6 prosecutors have to investigate?

7 A. Of course -- well, first of all, your  
8 question, "so confident," I don't understand what you  
9 mean by that. I'm confident that there's fertile  
10 territory here for investigators to commence  
11 investigative activities. Why would they have to do  
12 it? Let me answer your question.

13 You don't simply walk into a prosecutorial  
14 posture and file charges based on our report. That's  
15 absurd. I referred to it as virtually turnkey. That  
16 "virtually" meant something. It meant a lot.

17 And what it meant was that the U.S. Attorney's  
18 Office could take this list -- and I guarantee you  
19 there's noncitizens in here, and I guarantee you that  
20 at some point some are going to be prosecuted.

21 And you take the list of potential noncitizens  
22 and you start running your traps internally at DOJ,  
23 you start doing the legwork, the hard work that goes  
24 into it to take the tips that we have given to the  
25 government about what we believe to be a serious

1 problem, and you work the cases up internally. And  
2 you eventually, eventually go to a grand jury with  
3 cases that you have determined are foolproof and  
4 ironclad.

5 Sometimes you get admissions on Immigration  
6 and Naturalization forms under question 12, and you  
7 take those cases, and those are the ones you pursue.  
8 You don't start knocking on doors. And DOJ would  
9 never do that. And I have experience and knowledge  
10 in that area to know that the voters would be  
11 protected by false-positives in the state reports.  
12 And I relied on that experience and knowledge to know  
13 that they would not endure the sorts of nonsense that  
14 some might argue these reports triggered.

15 They aren't going to have willy-nilly  
16 prosecutions. There's a process in place, a careful  
17 process, that the Justice Department prosecutors will  
18 use before the voter even knows what's happening.  
19 And I have firsthand awareness of that because of my  
20 time at the Justice Department.

21 Q. You called this a list of potential  
22 noncitizens, correct?

23 A. I'm sorry?

24 Q. In your lengthy answer, you referred to  
25 this as a list of potential noncitizens, right?



1           A. I said there are certainly noncitizens on  
2 this list. There's no question about that --

3           Q. Okay.

4           A. -- that this list contains the names of  
5 noncitizens who should be prosecuted for registering  
6 and voting in the Commonwealth of Virginia. There's  
7 no doubt about it --

8           Q. Okay.

9           A. -- and ...

10          Q. And so -- and so this list (indicating)  
11 that was published as Exhibit 1 is a list of  
12 potential noncitizens.

13          A. Well, I'm not disputing the fact that you  
14 have alleged in your complaint that Mr. Bonilla is a  
15 citizen. I'm not going to sit here and make those  
16 sorts of ridiculous assertions. He says he's a  
17 citizen. I assume he said it under oath at his  
18 deposition, and I'm not going to contest that. So  
19 there's obviously somebody on the list that's a  
20 non -- that's a citizen.

21          Q. In your answer explaining why prosecutors  
22 would have to do an investigation, you said, "and you  
23 take the list of potential noncitizens and you start  
24 running your traps internally at DOJ."

25          A. I misspoke. The list of declared

1 noncitizens.

2 Q. Okay. And so the question remains, if  
3 these are confirmed noncitizens, why does DOJ have to  
4 go through all this effort?

5 A. Because we live in America, and one of the  
6 great things about our country is we have process and  
7 we have the right to speak, we have the right to  
8 associate, we have the right to petition. And people  
9 who are noncitizens on the rolls have a right to have  
10 a process involved. We don't knock doors down and  
11 drag people away. We have investigators, like I used  
12 to do when I was at the Justice Department, look at  
13 cases carefully, get the records from DHS. They have  
14 a wealth of information at DHS to determine whether  
15 or not these names are in fact citizens, information  
16 I didn't have, information PILF didn't have.

17 Q. And -- go ahead.

18 A. Go ahead.

19 Q. And speaking of process, as you understand  
20 it, when someone at the DMV perhaps marks "no" in the  
21 checkbox for "are you a U.S. citizen," okay, that  
22 triggers a process by the DMV and the Department of  
23 Elections, right?

24 A. No -- well, somewhat. You're partially  
25 correct. And I assume you're talking about a voter

1 registration application. You didn't say that in  
2 your question, but I assume that's correct.

3 Q. No, people have already -- people have  
4 already -- they are already on the rolls.

5 A. Yeah, then you don't understand how this  
6 works.

7 Q. Okay. So let me -- let me ask the  
8 questions to figure that out. Okay.

9 So Ms. Freeman, take her as an example, she  
10 had already registered to vote, okay.

11 A. I accept your premise.

12 Q. Okay. And then, as you understand it,  
13 this declared noncitizen cancellation list is  
14 triggered by some contrary information being  
15 indicated at the DMV, right?

16 A. You're underplaying the contrary  
17 information. Let's talk about what that is.

18 Q. Okay. No, you already said that's someone  
19 saying no, right, in the checkbox?

20 A. No, you're totally minimizing this. What  
21 it is, is somebody going back to DMV for any point of  
22 contact with the division -- the Department of Motor  
23 Vehicles. On the screen is the same original voter  
24 registration application they got in the first place.

25 Up pops do you want to register to vote again,

1 and that individual facing these questions a second  
2 time says, to the citizenship question, under oath,  
3 are you a citizen, they say no. That's how everybody  
4 got on this list, is they made an under-oath  
5 affirmation at some point that they were not a  
6 citizen.

7 Q. After making an under-oath affirmation  
8 that they were a citizen.

9 A. Most recent is most valid, and admissions  
10 against interest carry more weight than the previous  
11 one.

12 Q. Okay. So --

13 A. Wait, there's more. Then the state -- go  
14 ahead.

15 Q. So then if someone reregistered by  
16 affirming their citizenship, then that is the most  
17 valid, right, under your construction?

18 A. Not necessarily -- there's a lot of  
19 different contrary examples.

20 Q. So which is it?

21 A. It's not a binary choice.

22 (Clarification by reporter.)

23 Q. You said that the second affirmation -- I  
24 should say the second answer at the motor vehicles,  
25 the most recent is most valid, that's what you said,

1 right?

2 A. There's much more to it than just that.  
3 You are -- there's a context here. I did say that,  
4 but there's a whole context here.

5 Q. No, I understand that you sort of want to  
6 dress it up, but --

7 A. And that's argumentative.

8 MR. DAVIS: Objection. This is getting  
9 argumentative.

10 Q. But you said the most recent is most  
11 valid, so in trying to --

12 A. In context --

13 Q. So in trying to understand that, in trying  
14 to understand that, if someone reregisters after  
15 being canceled, that would be the most recent in the  
16 timeline of events, correct?

17 A. Not always.

18 Q. Okay. So you have a registration, a  
19 cancellation, and a reregistration, right, in that  
20 order, right?

21 A. Well, but there could have been --

22 (Clarification by reporter.)

23 Q. Can you follow me --

24 A. Whoa, whoa, whoa.

25 Q. Can you follow me?

1 A. Yeah, I follow what you're getting at.

2 You don't understand some things --

3 Q. I'm asking a question here.

4 A. Yeah.

5 Q. Right. And so under that timeline of  
6 events, the most recent is valid, and that would be  
7 their reregistration, correct?

8 A. Nope.

9 Q. Why not?

10 A. Because the most recent doesn't always  
11 address what the citizenship state was in the prior  
12 two moments. You are wrong in your assumption. That  
13 is not what I testified to, and your hypothetical is  
14 invalid. You don't understand how it works.

15 Q. I know, you keep on telling me I don't  
16 understand, but, you know, that's why I'm asking  
17 these questions and to get at what it is. And so why  
18 is it, in my hypothetical, why is it the most recent  
19 is not valid? Why is --

20 A. Depends what the most recent is. If the  
21 most recent is registration with an affirmation yes,  
22 there could have been an intervening naturalization.  
23 Your hypothetical completely omitted that,  
24 deliberately I suspect.

25 And there could have been an intervening

1 naturalization in that context, and often there is,  
2 by the way. That is why people get off the rolls is  
3 because DHS has question 12 that says have you ever  
4 registered to vote.

5 And so all of these folks seeking to  
6 naturalize are suddenly alerted to the problem they  
7 have been on the voter rolls. That's how we're  
8 finding this all over the country.

9 So what happens is they -- they take  
10 themselves off the rolls or they're canceled as a  
11 noncitizen. Then they naturalize and they  
12 reregister. But that third registration in your  
13 hypothetical does not have relevance necessarily to  
14 the question of their citizenship during the first  
15 two registrations because of the intervening  
16 naturalization.

17 Q. But still your reports are on PILF's  
18 Internet website, correct?

19 A. Okay. You've asked me a different topic  
20 now? I'm sorry. Reports are on the website?

21 Q. Yes. The Alien Invasion II report is  
22 still on PILF's website.

23 A. I answered that.

24 Q. Right? It's still on it today, right?

25 A. I don't know.

1 Q. You don't know?

2 A. Nope, I do not know if it's still on it  
3 today. We could break and I can login. It probably  
4 is, but I can't say that with certainty because I  
5 haven't checked.

6 I prepared a lot of ways for this deposition,  
7 but going to check on whether or not the report is  
8 still posted is not one of them.

9 Q. Well, you didn't tell anyone to take it  
10 down, did you?

11 A. I didn't, but that wouldn't necessarily  
12 mean it wouldn't be taken down. But I don't know if  
13 it's on the website. I will assume for the purposes  
14 of your question that it is.

15 Q. And so you're still calling people who may  
16 in fact be citizens noncitizens, correct?

17 A. Look, if you want -- if you want us to  
18 take it down, make an offer.

19 Q. Okay. This is sort of a deposition here,  
20 and so I'm asking you questions.

21 A. And I answered it.

22 Q. And the question is: Is it the case that  
23 you are calling people who may in fact be citizens  
24 noncitizens as of today on your website?

25 A. As it relates to the three plaintiffs in



1       this case, no, that's not accurate. As it relates to  
2       two plaintiffs in this case, quite possibly. As  
3       relates to the third plaintiff, that was cured long  
4       ago.

5               Q. Okay. Can you specify who you're  
6       referring to in your answer?

7               A. Well, I think Abby -- help me here -- Abby  
8       Jo --

9               Q. Gearhart.

10              A. -- Gearhart, that's long since been taken  
11       down.

12              Q. Right, she's been taken down.

13              A. So one of the plaintiffs --

14              Q. Okay.

15              A. One of -- okay. You asked the question;  
16       let me answer it.

17              One of the plaintiffs, their name is no longer  
18       anywhere on the website.

19              Q. And then --

20              A. And that happened instantly.

21              Q. And then Bonilla and Freeman, they're  
22       still on the website?

23              A. The government documents listing them as  
24       noncitizens are probably still posted. I have not  
25       checked that. You asked me if I know, and I don't.

1 Q. But -- and you still take the position  
2 that they're noncitizens; is that -- is that fair?

3 A. I still take the position that the  
4 government document says what it says. I still take  
5 the position -- and I testified about this earlier --  
6 that Bonilla testified under oath that he is a  
7 citizen.

8 Q. So just to make sure we're on the same  
9 page here, it is your belief sitting here today that  
10 there are citizens listed in Exhibit 1 to the Alien  
11 Invasion II report posted on your website, correct?

12 A. Bonilla has testified under oath he is a  
13 citizen, and I have no reason to doubt him, and the  
14 government document listing him as a noncitizen is  
15 still posted because that in itself is a problem that  
16 the government is removing citizens from the voter  
17 rolls.

18 Q. Okay. So Mr. Bonilla, even though you are  
19 not challenging his citizenship, his citizenship  
20 testimony under oath, is still listed in Exhibit 1,  
21 which, according to your report, is a list of 5,556  
22 noncitizens.

23 A. You've asked and answered -- I've answered  
24 this question a lot, different ways, always the same.

25 Q. So he's being still put in PILF's 5,556

1 noncitizen bucket, correct?

2 A. I've asked and answered that question.

3 Q. The answer is yes?

4 A. Do you want me to say it over and over  
5 again?

6 Q. I have not asked that particular question  
7 at all until just now.

8 A. Okay. Let me try to resolve this. Mr. --  
9 the exhibit containing Mr. Bonilla's name is still  
10 posted at the website most likely, though I have not  
11 checked it today.

12 Q. And so since he is still posted on the  
13 website in Exhibit 1, Exhibit 1 is where you have the  
14 list of what PILF calls 5,556 noncitizens, then it is  
15 still PILF's position as of today that Mr. Bonilla is  
16 a noncitizen.

17 A. Let me try to -- no, let me try to answer  
18 this once and for all so it's very clear. The Alien  
19 I and II are both posted. Most likely still, I can  
20 check during a break, and the attachments are still  
21 posted. I don't know how else to answer that  
22 question.

23 Q. And so you are still calling Mr. Bonilla a  
24 noncitizen.

25 MR. DAVIS: Objection to form.

1 A. I'm not calling him anything.

2 Q. True. Alien Invasion II is, correct?

3 A. I just testified that the reports are up  
4 there. They speak for themselves. I don't have  
5 anything else to add.

6 Q. So you have Alien Invasion II in front of  
7 you. I want you to maybe put it all in one stack,  
8 but then pull out Exhibit 1. Because you might want  
9 to have Exhibit 1 handy -- or not.

10 Alien Invasion II was published May 2017,  
11 right?

12 A. I think so.

13 Q. In February of 2017, PILF was told  
14 explicitly by James City County registrar that the  
15 people listed in the cancellation report -- which  
16 sometimes people call the VERIS report, correct?

17 A. I call it the declared noncitizen report.

18 Q. Okay. Well, PILF was told explicitly by  
19 the James City County registrar that the people  
20 listed in that cancellation report were not  
21 necessarily noncitizens, correct?

22 A. I don't know. If you have a document to  
23 refresh my recollection, I'd be happy to look at it.

24 Q. So you don't recall --

25 A. I don't recall right now. If you have a

1 document to refresh my recollection, I'm happy to  
2 look at it.

3 (PILF Exhibit 15 marked for  
4 identification: Email correspondence  
5 from (topmost) D Moorman sent  
6 2/15/2017 with attachment  
7 PILF-ADAMS-0013464 - 0013471)

8 MR. TEPE: The court reporter has handed  
9 the witness what's been marked as PILF Exhibit 15,  
10 Bates number 13464.

11 Q. Do you recognize this document?

12 A. I don't remember reviewing this for this  
13 deposition, but I see it in front of me.

14 Q. Okay. So it begins with an email from  
15 Noel Johnson dated February 15th, 2017 to Dianna  
16 Moorman. Do you see that?

17 A. I see that.

18 Q. You can tell from the document that Dianna  
19 Moorman was the general registrar of James City  
20 County?

21 A. Right.

22 Q. Okay. And this email from Mr. Johnson may  
23 refresh your recollection. So apparently James City  
24 was asked in August of 2016 for records under the  
25 NVRA, specifically the cancellation report, correct?

1           A.    Okay.   All the counties -- I think James  
2   City was on the list.   All the counties on that one  
3   list in Alien I were asked for this, and I can  
4   double-check to make sure.

5           Q.    No need, because --

6           A.    It was.   I just double-checked.

7           Q.    Okay.

8           A.    James City is on the list.

9           Q.    James City was asked, and then they didn't  
10   provide the records because, presumably, they were  
11   following the position that they couldn't provide it  
12   because the information was protected under the  
13   MPPA -- the DPPA, excuse me.

14          A.    I'm sorry.   What was the question?

15          Q.    So PILF made a request for the  
16   cancellation report in August.   As of this date,  
17   February, you hadn't gotten it, correct?

18          A.    It probably -- that's obviously --

19          Q.    Right.   And so here Mr. Johnson asks for  
20   it again, and then Ms. Moorman responds the same day,  
21   February 15th, correct?

22          A.    Right.

23          Q.    And she attaches the requested report of  
24   James City County, right?

25          A.    Right.

1 Q. And then she says:

2 Please note that many of these  
3 simply were because they failed to  
4 check the 'are you a U.S. citizen  
5 box' on the voter registration  
6 application, not because they are  
7 actually a noncitizen, and have  
8 since reregistered with an  
9 acceptable completed application.

10 Do you see that?

11 A. I do, but that's meaningless.

12 Q. Your testimony is that what the registrar  
13 of James City County told you is the fact that the  
14 people on the list that she is providing are not  
15 necessarily noncitizens is meaningless, that's your  
16 testimony?

17 A. That's part of my testimony. The entire  
18 whole of my testimony is that, based on this concern,  
19 I believe, we contacted the state election director  
20 in regards to these concerns. And we asked the state  
21 election director both for the state report and  
22 whether or not the state report had individuals of  
23 the nature that Ms. Moorman was describing.

24 And the state election director very clearly  
25 alleviated our concerns that Ms. Moorman raised that

1 the information provided by the state would not  
2 include such individuals.

3 Q. Okay. So --

4 A. As a matter of fact, we acted on it.

5 (PILF Exhibit 16 marked for  
6 identification: Email correspondence  
7 from (topmost) D Moorman sent  
8 2/16/2017 with attachment  
9 PILF-ADAMS-0013091 - 0013109)

10 MR. TEPE: The witness has been handed  
11 what's been marked as Exhibit 16 with the Bates  
12 number 13091.

13 Q. Do you see that? So this is a  
14 continuation of the correspondence between  
15 Mr. Johnson and Ms. Moorman, correct?

16 A. A continuation ... do you have -- do you  
17 have the full communication?

18 Q. I said it's a continuation. We just  
19 looked at a document where Ms. Moorman tells PILF  
20 that the people on the list may not be noncitizens,  
21 right? We just looked at that document.

22 A. Okay. I have -- yes, I have Exhibit 16.

23 Q. That's not the question. The question is:  
24 Ms. Moorman told PILF that, please note, many of  
25 these simply were because they failed to check the



1 "are you a citizen box" on the voter registration  
2 application, not because they are actually  
3 noncitizens.

4 A. Well, first of all, it's not -- okay.

5 Q. Excuse me. I'm asking a question. All  
6 right? And so you see that right there --

7 A. I see --

8 Q. -- correct?

9 A. I see it says that.

10 Q. Okay. Mr. Johnson responds two minutes  
11 later saying, thank you, and then asks for additional  
12 records including the voter registration  
13 applications, right?

14 A. It says that.

15 Q. Okay. And then Ms. Moorman responds later  
16 that day -- actually the next day, on February  
17 16th -- saying, "Good afternoon. I have attached a  
18 spreadsheet with the 51 names, including current  
19 registration status and full voting history of each  
20 individual." Okay. So that's attached, correct?

21 A. There's a document attached.

22 Q. Okay. Let's look at that document. It  
23 appears to be a copy of the cancellation report in an  
24 Excel spreadsheet with some additional columns,  
25 correct?

1 A. Right.

2 Q. And so I want to direct your attention to  
3 the voter registration status column. Do you see  
4 that?

5 A. Voter registration status, got it.

6 Q. Right. And so the first person is Tierra  
7 Gregory, now registered in Richmond City. Do you see  
8 that?

9 A. Right.

10 Q. And then underneath that is Deborah Watts,  
11 reregistered in JCC. That's James City County,  
12 right?

13 A. I don't know.

14 Q. You don't know?

15 A. I don't.

16 Q. Okay. So you're not sure if JCC refers to  
17 James City County?

18 A. That was the answer I just gave you.

19 Q. Okay. Even though she told you that --  
20 all right. I'll move on.

21 So can you count up how many times in this  
22 document PILF was informed that people had  
23 reregistered in JCC?

24 A. No, I can't, because we asked the state  
25 election director.

1 Q. You can't answer my question?

2 A. Well, because the answer is zero.

3 Q. No, no, no. It's right in front of you.

4 I'm sorry. Maybe this is getting confusing.

5 But the spreadsheet in front of you, PILF was  
6 provided with the registration status of these  
7 individuals, correct?

8 A. Right, in this document it is, but --

9 Q. But so just bear with me. And so my  
10 question is, can you count how many times -- how many  
11 individuals had reregistered in JCC?

12 A. Well, ultimately, the answer is zero  
13 because the state -- we asked the state specifically  
14 this question, and we said to the state, how many  
15 people on your cancellation list reregistered, and  
16 the state said zero.

17 Q. Okay.

18 A. So this information became irrelevant.

19 Q. Okay. So I guess I'll have to count for  
20 you. So one, two, three --

21 A. Well, that's what it says in the document.

22 Q. -- seven, eight, nine, ten, 11, 12 --

23 (counting) ... 19, is that what I got? I think I  
24 might have missed one.

25 I believe there's 20 of the 51 people listed

1 here, PILF was told they reregistered in James City  
2 County, correct?

3 A. By the -- by the local election official,  
4 which was later contradicted by the state.

5 Q. And -- and this list also says that ten  
6 people of the 51 had reregistered in other  
7 jurisdictions, correct?

8 A. I mean, the document speaks for itself.

9 Q. And so PILF was aware, as of February  
10 16th, 2017, before Alien Invasion II was published,  
11 that 30 of the 51 people on the VERIS report or this  
12 cancellation list had reregistered.

13 A. That is not correct.

14 Q. No, no --

15 A. Can I answer your question, please?

16 Q. Okay. Sure.

17 A. PILF was aware that this local registrar  
18 thought that, and that is precisely why you go to the  
19 state to find out what the accurate information is,  
20 and that's exactly what we did.

21 We went to the state and asked the question,  
22 give us a list of noncitizen cancellations for all  
23 the jurisdictions and tell us whether or not they  
24 reregistered.

25 The state affirmatively answered us and said

1 nobody on our list reregistered. It contradicted  
2 what a local official may have said, and, frankly,  
3 under HAVA and Help America Vote Act, the state  
4 election officials, the chief election official for  
5 the state who is in charge of list maintenance.

6 So, no, I would disagree with you that we had  
7 information they reregistered, because that  
8 information was later directly contradicted by the  
9 state director of elections.

10 Q. Okay. Can you point me to the document in  
11 which you asked the Virginia Department of Elections  
12 for a list of noncitizen cancellations for all the  
13 jurisdictions and tell us whether or not they  
14 reregistered?

15 A. I'm sure you have it in your binder. I  
16 cannot point it to you right now.

17 Q. Neither can I.

18 A. Well, we most certainly did ask. And we  
19 asked the -- we asked the state election director for  
20 the list of noncitizen cancellations, and we followed  
21 up by asking, did anybody on this list reregister,  
22 and the answer, in writing, was no.

23 And the only list we relied on is what the  
24 state gave us and guaranteed that there were no  
25 reregistrations on it. So this James City

1 information was -- was contradicted or superseded by  
2 direction from the state election director.

3 Q. It would be terrific if when we see you  
4 again on Monday you identify this, this question.

5 A. Well, we put it -- we published it in the  
6 Alien II. We directly give the response in Alien II  
7 to our inquiry where the state election director  
8 specifically says the people on the noncitizen  
9 cancellation list I gave you did not reregister.

10 This was on our radar. We took prudent steps  
11 to be sure that it didn't include reregistrations,  
12 and the state election director responded in writing  
13 and we republished his -- his email and we relied on  
14 it.

15 Q. Yeah, again, you know, perhaps you can  
16 identify that document on Monday, because I'm not  
17 aware of it existing.

18 A. Well, I've seen it, and I've seen it in  
19 discovery responses.

20 Q. So as of this date PILF was on notice that  
21 30 people had reregistered, correct?

22 MR. DAVIS: Objection to form,  
23 mischaracterizes the testimony.

24 Q. PILF was aware from James City County, had  
25 information from James City County, that 30 of the 51

1 people on the cancellation report had reregistered,  
2 correct?

3 A. Incorrect.

4 Q. The document you were just looking at --

5 A. Is incorrect.

6 Q. -- had information on it.

7 A. It's incorrect.

8 Q. Right.

9 A. Incorrect information.

10 Q. And --

11 A. And the basis for me to say it was  
12 incorrect is because the state election director said  
13 that nobody on the list we published was  
14 reregistered.

15 Q. Each of these 30 individuals who are  
16 listed in the exhibit in front of you were included  
17 in Exhibit 1 to Alien Invasion II, correct?

18 A. I don't know.

19 Q. Why don't you go check.

20 A. I can't find it. Do you have a page  
21 number?

22 Q. You know, it's -- this is -- it's right  
23 there in the stack.

24 A. Well, if you'll indulge me, I'll go  
25 through it.

1 Q. Maybe you can take a look at the break,  
2 but if you do, you will see that each of these 30  
3 individuals who James City told PILF had reregistered  
4 were included in Exhibit 1.

5 A. Because the state election director  
6 contradicted the information of James City or  
7 Ms. Moorman. That's exactly why, because the state  
8 election director, very explicitly, without any  
9 ambiguity, told us, upon our request, that none of  
10 these individuals reregistered.

11 And, I'm sorry, rock beats scissors. When a  
12 chief election official of a state who, under the  
13 Help America Vote Act, is the designated list  
14 maintenance officer for the state, tells you that  
15 they didn't reregister, you have to conclude that the  
16 state election director is correct and the email of  
17 February 15th must be incorrect.

18 Q. So you never actually -- PILF never  
19 actually compared the list that you got from James  
20 City County to the list of cancellations you got from  
21 the Department of Elections.

22 A. I don't know the answer to that question.

23 Q. Well, if you had, you would have raised  
24 the fact that there are people who the jurisdiction  
25 says reregistered on your list. You would have



1 raised that with the Virginia Department of  
2 Elections, wouldn't you?

3 A. We raised the issue with the Virginia  
4 Department of Elections about the potential of  
5 reregistration on the list that they were giving us,  
6 and the Virginia Department of Elections very  
7 explicitly, as republished in Alien II, gave us the  
8 answer that they did based on that inquiry we made.  
9 We took prudent steps to go straight to the top --

10 Q. Okay.

11 A. -- to get -- to get the answer from the  
12 chief election official whether or not this was an  
13 issue, and he said it wasn't.

14 Q. So, again, if you can identify the  
15 specific correspondence which overruled James City  
16 County, that would be terrific.

17 A. It's been provided to you. I think you  
18 even asked -- in previous depositions your co-counsel  
19 were asking questions about the document. That's  
20 another place I've seen it. So I know that it's  
21 there.

22 Q. Yeah. So PILF didn't publish the  
23 spreadsheet that is contained here from James City  
24 County with Alien Invasion II, correct?

25 A. Speaks for itself. I don't believe it's

1 an exhibit.

2 Q. Yeah. And PILF didn't include a notation  
3 in Alien Invasion II regarding the fact that you had  
4 some information indicating reregistrations and some  
5 information apparently saying they were in canceled  
6 status.

7 A. It's not apparently. You've -- it's not  
8 apparently. The state election director provided  
9 extraordinarily crystal-clear responses on this  
10 question, and we relied on those responses. They  
11 were consistent with a variety of other information  
12 and experience, and we have to rely on the state  
13 election director. If they --

14 Look, it boils down to this. If the state  
15 election director had had a different answer, Alien  
16 II wouldn't have been published, more than likely, or  
17 it would have been published differently.

18 Q. Why? Because Alien Invasion I was  
19 published, and you already knew that the lists  
20 contained people who had reregistered.

21 A. That's not true.

22 Q. Yes.

23 A. That's not --

24 Q. You were here for Mr. Johnson's  
25 deposition, weren't you?

1           A. Alien II relied on the state election  
2 director telling us this wasn't a problem.

3           Q. And Alien Invasion I --

4           A. We didn't ask for Alien I -- we didn't ask  
5 the state election director in Alien I.

6           Q. Alien Invasion I -- you were here when  
7 Mr. Johnson testified -- you were here, right?

8           A. Right, and that deals with --

9           Q. And in that deposition even before Alien  
10 Invasion I PILF knew that people who had registered  
11 to vote remained on the cancellation reports,  
12 correct?

13          A. People who -- they had all reregistered to  
14 vote at some point.

15          Q. People who had reregistered to vote --  
16 (Clarification by reporter.)

17          Q. I will ask it again. Even before Alien  
18 Invasion I, PILF knew that people who had  
19 reregistered to vote remained on the cancellation  
20 reports, correct?

21          A. And that was a naturalization issue,  
22 and the only --

23          Q. Did you check with all those people and  
24 confirm that?

25               MR. DAVIS: Let him answer. Let him

1 finish his answer.

2 Q. Fair enough. Go ahead.

3 A. Okay. Your question was were there people  
4 on the report that later reregistered. That does not  
5 speak to the question necessarily of whether or not  
6 there were noncitizens on the rolls. You can  
7 subsequently reregister to vote once you naturalize.

8 And so during Alien II, we specifically asked  
9 the state, are any of the names that you're giving us  
10 on the noncitizen cancellation report, do they  
11 contain anybody who later reregistered. So it's even  
12 a more robust analysis in Alien II.

13 Q. Okay. So I know you want to talk about  
14 things other than my questions.

15 A. I answered your question.

16 Q. But my question was, was this: Before  
17 Alien Invasion I was published, PILF knew that people  
18 who had reregistered to vote remained at least on the  
19 Bedford County cancellation report, correct?

20 A. And my answer to you before is the same as  
21 it is now, that the prospect of naturalization could  
22 explain that phenomena, and by the time you got to  
23 Alien II we went and we asked the state election  
24 director about this possibility.

25 Q. You asked the state election director

1 about naturalization?

2 A. No, about people reregistering.

3 Q. Yeah, again, I don't see that  
4 correspondence.

5 A. You know it exists because it's been  
6 turned over in discovery and your co-counsel has  
7 asked questions about it during depositions.

8 Q. Right, but that document is different from  
9 the one you're describing. That's why I'm a bit  
10 flummoxed.

11 A. No, it's not.

12 Q. But here -- back to my questions.  
13 Mr. Johnson confirmed that Bedford County informed  
14 PILF that 18 of 35 people listed in the cancellation  
15 report they supplied had reregistered, right?

16 A. I don't know.

17 Q. You were here.

18 A. I don't have the transcript in front of  
19 me. If you want to show me the transcript --

20 Q. It was just last week.

21 A. Doesn't mean I remember everything about  
22 it.

23 Q. He marked it off. He was making  
24 checkmarks and saying like, yes, this person, you  
25 know, we have information --

1           A. I wasn't here for the whole deposition,  
2           and you know that.

3           Q. Yeah, no, this -- I think you were here  
4           for this part. But, nonetheless, you're supposed to  
5           be prepared today, correct?

6           A. But not about his deposition I'm not, and  
7           you're asking me questions about it.

8           Q. Part of his deposition is part of, you  
9           know, the record of what PILF knew, right, because he  
10          was testifying about what PILF knew at the time.

11          A. Is there a question?

12          Q. I'll withdraw it.

13          But if you look at the transcript, since you  
14          seem unsure, Mr. Johnson did confirm that Bedford  
15          County informed PILF that 18 of the 35 people listed  
16          in the Bedford County cancellation report had  
17          reregistered.

18          MR. DAVIS: Is there a question there?

19          A. Is there a question?

20          Q. Isn't that true?

21          A. I don't know. I'd need to see the  
22          transcript.

23          Q. Do you want to look at the markup that we  
24          did?

25          A. If it's that important and you want to

1 show it to me, I'm happy to answer whatever questions  
2 you have for me.

3 Q. Well, I think the record in the Johnson  
4 deposition probably stands on its own. So let's talk  
5 about some other jurisdictions.

6 We covered Bedford County with Mr. Johnson.  
7 We just talked about James City. In February of  
8 2017, the York County registrar informed PILF that  
9 currently registered people, then currently  
10 registered people appeared listed in the cancellation  
11 reports, correct?

12 A. I don't know. If you have a document to  
13 refresh my recollection, I'd be happy to take a look  
14 at it.

15 (PILF Exhibit 17 marked for  
16 identification: Email correspondence  
17 from (topmost) W Latham sent  
18 2/2/2017 with attachment  
19 PILF-ADAMS-0016622 - 0016642)

20 Q. The court reporter has handed you what's  
21 been marked as Exhibit 17, a document with Bates  
22 number 16622. Do you recognize this document?

23 A. I see it here.

24 Q. Okay. And so in this document Walt  
25 Latham, the general registrar of York County -- you

1 can see that's the second email in the chain dated  
2 February 1st -- sent a copy of the cancellation  
3 report that you requested.

4 A. He sent -- it seems to be attached to this  
5 email. It says start date 1/01. It's the declared  
6 noncitizen cancellation report.

7 Q. Okay. Mr. Adams, can you stay with me?  
8 So my question is --

9 A. Yes, I can stay with you.

10 Q. -- Mr. Latham emailed Mr. Johnson on  
11 February 1st saying, "based on the Order you  
12 forwarded to me, I have attached a copy of the report  
13 you requested." That's the cancellation report,  
14 right?

15 A. I think I just answered you.

16 Q. And then Mr. Johnson responds, "Would you  
17 be able to send me the voter registration  
18 applications for all 26 people on the attached  
19 report?" You see that, right?

20 A. He says that, yes.

21 Q. Okay. And then at the top what's attached  
22 to this email is a copy of the cancellation report  
23 with notations of those who reregistered, right?

24 A. There's no attachment to this. There's  
25 notations.



1 Q. In the attachment there are notations,  
2 handwritten notations, correct?

3 A. Right.

4 Q. Right. And so if you look at the cover  
5 email, Mr. Latham is explaining that, please find  
6 attached to this email copies of all the  
7 registrations for people who were canceled and then  
8 reregistered, right?

9 And so what he's doing here is indicating in  
10 this cancellation in handwriting he is notating the  
11 people who had reregistered, correct?

12 A. That's what the documents purport to say.

13 Q. Right. One example, Karen Askin, it says  
14 that she reregistered June 9th, 2011, right?

15 A. Well, the VERIS report doesn't say that.  
16 There's somebody wrote that in pencil --

17 Q. Right.

18 A. -- or pen.

19 Q. And that's --

20 A. That's not part of the official VERIS  
21 report.

22 Q. Well, this is -- this is what the York  
23 County registrar -- the information that the York  
24 County registrar provided.

25 A. I'm aware that the source of this is the

1 York County registrar.

2 Q. Right.

3 A. That does not necessarily speak to the  
4 validity of the reregistration.

5 Q. Okay. So he identified 12 people as  
6 having reregistered.

7 A. He made handwritten notations saying a  
8 certain number of people, probably 12, reregistered.

9 Q. Right. And all 12 of these individuals  
10 who had reregistered, according to this document from  
11 the York County registrar, were included in Exhibit 1  
12 to Alien Invasion II, correct?

13 A. I don't know about that. And if they  
14 were, once again, it's because we spoke with or we  
15 communicated with the state election director, and  
16 just like in the last county we discussed on this  
17 topic, the state election director contradicted the  
18 local election official to the extent that it  
19 involved these names. And my previous testimony  
20 stands on that issue here as it did there.

21 Q. And PILF didn't include in Alien Invasion  
22 II a copy of this handwritten or, excuse me,  
23 hand-marked cancellation report, correct?

24 A. Not after it was contradicted by the state  
25 election official --

1 Q. And no --

2 A. -- to the extent it was.

3 Q. No state election official contradicted  
4 what Mr. Latham had put here, correct?

5 A. The state election official contradicted  
6 that anything we published in Alien II involved  
7 people who later reregistered, yes, the state  
8 election official directly contradicted that idea.

9 Q. Certainly the state election official --  
10 strike that.

11 And PILF didn't include a notation in Alien  
12 Invasion II to let the reader know that you had been  
13 provided information from York County that a number  
14 of the people listed in your Exhibit 1 had  
15 reregistered.

16 A. Actually we did -- not in York County  
17 specifically, but generally we absolutely did  
18 confront this issue head on. We had more than a  
19 notation. Your answer was did we address it. I'll  
20 answer it -- your question was. We in fact did  
21 address this head on, and we did.

22 Q. No, my question, sir, was -- and PILF did  
23 not include a notation in Alien Invasion II to let  
24 the reader know that you had been provided  
25 information from York County that a number of the

1 people listed in your Exhibit 1 had reregistered.

2 A. We did better. We provided --

3 Q. The answer is no, you didn't.

4 A. We did.

5 Q. No, I asked a very, very specific  
6 question.

7 A. We provided --

8 Q. You did not include a notation in Alien  
9 Invasion II to let the reader know that, hey, York  
10 County tells us that a lot of these people listed had  
11 reregistered. That doesn't appear in Alien Invasion  
12 II.

13 A. We didn't provide a notation about a lot  
14 of things that were irrelevant in Alien II, and,  
15 after the state election director contradicted this  
16 information or provided us better information, there  
17 was no need to include a notation because it was  
18 irrelevant.

19 Q. And you were personally informed of  
20 Mr. Latham's information about reregistrations,  
21 correct?

22 A. Who are you asking this question of?

23 Q. You, Mr. Adams.

24 A. I don't believe so, but if you have a  
25 document to refresh my recollection, please let me

1 see it.

2 (PILF Exhibit 18 marked for  
3 identification: Email correspondence  
4 from (topmost) N Johnson sent  
5 2/2/2017 with attachment  
6 PILF-ADAMS-0009178 - 0009197)

7 Q. The court reporter has handed you what's  
8 been marked as Exhibit 18, a document with the number  
9 9178. Do you see that?

10 A. Right. Now you're asking me a question  
11 about what I was personally informed of?

12 Q. Let's -- I will ask the questions, sir.  
13 And so my question is: Do you see this document?

14 A. I see the document.

15 Q. Okay. And so on February 2nd Noel Johnson  
16 sends you and Mr. George an email in which he  
17 includes the notations of York County, correct?  
18 That's attached.

19 A. Well, it's more complicated than this.

20 Q. He attached -- Mr. Johnson attached the  
21 document that we just looked at from York County, yes  
22 or no?

23 A. The document speaks for itself. He  
24 attached a document.

25 Q. And Noel Johnson said he sent back,

1 referring to Mr. Latham, the hand notated  
2 cancellation report that indicates that some people  
3 who were removed were then reregistered, sometimes in  
4 different jurisdictions, correct? This is  
5 information that you had at the time.

6 A. It is a small piece of York County  
7 information we had at the time, and the rest of it is  
8 relevant as to the validity of this particular  
9 communication.

10 Q. So the answer is yes, you had this  
11 information.

12 A. The document speaks for itself.

13 Q. And the --

14 A. It's obviously not being contested, that  
15 this is information --

16 Q. It's not so obvious when you don't  
17 actually want to answer yes or no questions --

18 A. I'll explain. If you want to know the  
19 answer, I'll tell you the answer, and that's your law  
20 firm's lawyer was involved with collection of data  
21 from York County, as I recall. And so there would  
22 have been communications between your law firm and  
23 York County that are not in front of us in this that  
24 would weigh on the validity of this information.

25 MR. TEPE: Let's take a break.

1 VIDEO SPECIALIST: We are off the record,  
2 3:30.

3 (Proceedings recessed)

4 VIDEO SPECIALIST: We are on the record,  
5 3:43.

6 BY MR. TEPE:

7 Q. Mr. Adams, in February of 2017, also the  
8 Fauquier County registrar provided a list of people  
9 appearing on the VERIS report who had reregistered,  
10 correct?

11 A. I don't know. If you have a document you  
12 can show me, I can talk about it.

13 (PILF Exhibit 19 marked for  
14 identification: Email correspondence  
15 from (topmost) N Johnson sent  
16 2/7/2017  
17 PILF-ADAMS-0009170 - 0009172)

18 Q. The court reporter has just marked as  
19 Exhibit 19 a document with the Bates number 9170.

20 Do you recognize this document?

21 A. I see Exhibit 19.

22 Q. Okay. And this is -- begins with an email  
23 from Alex Ables on February 1st to Noel Johnson,  
24 correct?

25 A. Right.

1 Q. And it's responding to PILF's request for  
2 records that were sent over on August 8, 2016, right?

3 A. Now that's curious because it has --  
4 right, right, right.

5 Q. So that's the first email. He sends over  
6 the cancellation report that you requested, do you  
7 see that in the response, "please see attached"?

8 A. It's not on here.

9 Q. Oh, I understand, because this is the  
10 first email, right, in the chain.

11 A. Right. All I'm testifying about is item  
12 number 1 is not on here. It just talks about it.

13 Q. Exactly.

14 A. Okay.

15 Q. And so on February 1st Ables provides his  
16 response to PILF's request, correct? That's what's  
17 reflected here.

18 A. Right.

19 Q. And then on February 7th Mr. Ables follows  
20 up with an email to Noel Johnson, do you see that, at  
21 8:44 a.m.? Bottom of the first page, do you see  
22 that?

23 A. Right. I'm reading it.

24 Q. And Mr. Ables says that on the previous  
25 report he sent on February 1st some of these



1 individuals have submitted new voter registration  
2 applications and have been reregistered, right?

3 A. I mean, yeah, the document says that.

4 Q. Right. And so what he actually says is,  
5 "please note that the below listed voters appearing  
6 on the report have submitted a new voter registration  
7 application subsequent to their record being flagged  
8 as a potential noncitizen." Do you see that?

9 A. It does say that.

10 Q. Right. And then you have a list of names  
11 and their reregistration dates.

12 A. No, that's not what it says. It says  
13 their registration date. The reregistration and  
14 registration dates are two different things.

15 Registration date I would interpret to mean  
16 the original registration date, and the subsequent  
17 would be a reregistration date, and some of these  
18 dates confirm my suspicions that that's what he  
19 means.

20 Q. Okay. So, again, Mr. Ables says, "please  
21 note that the below listed voters appearing on the  
22 cancellation report submitted a new voter  
23 registration application," do you see that,  
24 "subsequent to their record being flagged as a  
25 potential noncitizen"? Do you see that?

1 A. It says that.

2 Q. Right. So these are people who were  
3 registered originally, flagged, and then submitted  
4 new voter registration applications, correct?

5 A. That's what it says they are.

6 Q. Okay. And so that is these people, he's  
7 telling you, had reregistered.

8 A. Well, it says they have submitted new  
9 voter registration application.

10 Q. Right.

11 A. That's what it says.

12 Q. Right.

13 A. It doesn't say whether that was accepted  
14 or not. It just says they submitted one.

15 Q. You didn't -- you didn't -- no one from  
16 PILF asked to clarify that, did they? They  
17 understood -- they understood that he was providing  
18 you with information about people who had appeared on  
19 the cancellation report but who had reregistered.

20 MR. DAVIS: Objection to form.

21 A. It was compound. Which one of the two do  
22 you want me to answer?

23 Q. PILF understood that Mr. Ables was  
24 providing a list of people who had appeared on the  
25 cancellation report that he had sent on May 1st but

1       who had reregistered, correct?

2               A. But that's not what it says. It says  
3       submitted a new voter registration application. You  
4       would be making an assumption to say that they  
5       reregistered, but it doesn't say that they  
6       reregistered. There's a difference.

7               Q. Okay. What's that difference?

8               A. One can submit a new voter registration  
9       application without actually being registered. It  
10      happens all the time all over the country in election  
11      offices. That's the difference.

12              Q. Okay.

13              A. I'm just reading what it says.

14              Q. And so regardless of reregister or new  
15      voter registration application, PILF was made aware  
16      February 7th that people being listed on the  
17      cancellation report for Fauquier County were  
18      registered to vote.

19              MR. DAVIS: Objection to form.

20              A. That's not what this -- right, you're  
21      mischaracterizing the evidence. What it says is,  
22      some of the noncitizen cancellations later tried to  
23      get back on the rolls despite being canceled as a  
24      noncitizen. It doesn't say anything more than that.

25              Q. So, so your interpretation of this is that

1 Mr. Ables went out of his way to let you know that  
2 people on the cancellation list had submitted a new  
3 voter registration application subsequent to their  
4 being flagged and just leaves it to you guys to guess  
5 as to whether or not these applications were  
6 accepted?

7 A. Mr. Ables is one of the, shall we say, he  
8 is one of the registrars in the state that is  
9 concerned about noncitizen -- noncitizens attempting  
10 to register to vote. It would not surprise me in the  
11 slightest that Mr. Ables was alerting us to the fact  
12 that people who are canceled as noncitizens are still  
13 trying to get on the rolls. That would be an  
14 extraordinarily relevant piece of information.

15 Q. And I'm not asking for your speculation as  
16 to what Mr. Ables is alerting you to. I'm asking  
17 you, is it your -- strike that.

18 So based on this email, you will not agree  
19 that PILF was provided information that people on the  
20 cancellation report for Fauquier County had included  
21 the names of people like Mitchell -- Mitchell  
22 Alerding as having reregistered.

23 A. Look, this document specifically  
24 references attachments. If you have those  
25 attachments to show me, I will be glad to reassess my

1 conclusions, but the fact is that this document  
2 doesn't say what you originally asked me and assumed  
3 it did.

4 The fact that somebody was --

5 Q. No question is pending. Thank you.

6 Now PILF received a letter from Rappahannock  
7 County Director of Elections expressing her concern  
8 with PILF's use of election records, correct?

9 A. If you have a letter to show me, I can  
10 testify to refresh my recollection, please.

11 (PILF Exhibit 20 marked for  
12 identification: Letter from Kim  
13 McKiernan, VREO with attachment  
14 PILF-ADAMS-0019100 - 0019105)

15 Q. So before you look at that, can you  
16 just -- before you look at that, sir, it's your  
17 testimony that you have no recollection of the  
18 registrar of Rappahannock County taking issue with  
19 how you were using --

20 A. Oh, I certainly do have a recollection of  
21 oral communications with the registrar of  
22 Rappahannock County, but you didn't ask me about  
23 that. You asked me about a letter.

24 Q. Okay. So you have no recollection of a  
25 letter from the registrar of Rappahannock County

1 taking issue with your use of Virginia election  
2 records. You have no recollection of that?

3 A. Not as I sit here right now, but you've  
4 refreshed it, and this went to Ms. Powell.

5 Q. Well, you're here as the 30(b)(6) witness.

6 A. Correct. I've reviewed 52,000 pages of  
7 documents.

8 Q. And you spent supposedly days --

9 A. It wasn't supposedly; it was literally.

10 Q. And so let's look at one of these records  
11 that, you know, was in the hands of PILF at this time  
12 in February.

13 A. I have Exhibit 20.

14 Q. Okay. So I'm going to direct your  
15 attention to the third paragraph. In the middle she  
16 says -- I think we're on the same page. She's  
17 referring to the cancellation records, right?

18 A. I'm sorry? She was what?

19 Q. She's referring to the cancellation  
20 records in this paragraph.

21 A. I don't know. Attachment C? Attachment C  
22 is not in Exhibit 20.

23 Q. Sure it is.

24 A. This (indicating)?

25 Q. It's labeled Attachment C. But okay --

1           A. You will find the report I requested ...  
2       this is not the report, which goes straight to the  
3       point of my assessment of the registrar of  
4       Rappahannock, as she did not understand very much  
5       about what we were asking for.

6           Q. Oh, okay. All right. But she did tell  
7       you in the middle of this paragraph, "in many  
8       instances, voters miss checking the tiny box  
9       indicating they are citizens." Do you see that?

10          A. I see it, but she also --

11          Q. Okay. My question was, do you see that?  
12       Yes.

13          A. In many instances, "voters mix checking  
14       the tiny box indicating they are citizens." I see  
15       that.

16          Q. Yes. And then she says, "in this  
17       instance, we are required to deny their registrations  
18       or cancel them, if they are registered." Do you see  
19       that?

20          A. I see that written.

21          Q. Okay. And then she explains, "We send a  
22       letter notifying them of the cancellation and the  
23       reason and in the majority of instances they provide  
24       valid photo ID/proof of citizenship and their  
25       registration is reactivated." Do you see that?

1 A. It says that.

2 Q. Yes. Okay.

3 A. She was wrong about that, by the way.

4 Q. Well, how do you know what people share  
5 with her when they reregister?

6 A. Well, she was incorrect when -- she  
7 started the paragraph with an incorrect statement,  
8 unfortunately. She says, as you were informed by the  
9 Department of Elections, this report is not all  
10 inclusive and there are false-positives.

11 That statement is absolutely incorrect. We  
12 weren't informed by the Department of Elections. And  
13 so that question raises some questions about some  
14 other things based on my experience speaking with  
15 this individual about her awareness of what was  
16 actually happening in the administration of  
17 elections.

18 It went to her credibility. I'm not saying  
19 she is incredible, I'm not saying she is dishonest,  
20 but she didn't understand everything that was  
21 happening and she didn't understand our request.

22 Q. She's the registrar of Rappahannock  
23 County.

24 A. Correct.

25 Q. Right.



1 A. Well, I think unless there's a change --

2 Q. You're not the registrar of Rappahannock  
3 County.

4 A. You know the answer to that.

5 Q. Right. And so she says, with respect to  
6 the cancellation report, the last sentence in this  
7 paragraph, "this report only shows the cancellation  
8 and insinuates that hundreds or thousands of  
9 noncitizens have voted when you don't have the whole  
10 history of the voters you are referencing statewide."  
11 Do you see that sentence?

12 A. It says that.

13 Q. Right. I'm going to guess you disagree  
14 with that.

15 A. Well, because I had a very long  
16 conversation with her in the months preceding this  
17 where it was quite clear to me that she was gravely  
18 mistaken about what we were looking for and what our  
19 purposes were. She was extremely animated about the  
20 idea that we were on the hunt for illegal aliens, and  
21 that couldn't be the furthest thing from the truth,  
22 and --

23 Q. You were on the hunt for aliens.

24 A. No, I said illegal aliens. There's a huge  
25 difference between the two of them.

1           Q. Exactly. You were on the hunt for aliens,  
2 not necessarily illegal aliens.

3           A. Correct. And we were documenting alien  
4 registration, and she thought that we were making an  
5 effort to have illegal aliens deported from  
6 Rappahannock County, at which point she informed me  
7 they didn't have any there.

8           Q. But that's not what she says here. She  
9 says, referring to the cancellation report, this  
10 report only shows the cancellations, and you are  
11 insinuating that hundreds or thousands of noncitizens  
12 have voted when you don't have the whole history.  
13 She's not talking about illegal aliens. She is  
14 talking about noncitizens --

15          A. Right, but she is talking about a related  
16 issue that echoed what she had told me in person  
17 about the purposes of our report and what she thought  
18 of it personally, and it was quite clear to me that  
19 she didn't understand what we were asking for, and we  
20 had to continually ask her for the information.

21          Q. So you more or less dismissed what she had  
22 to say to you.

23          A. No, that's not what I'm testifying about.

24          Q. She also said, "I remained concerned about  
25 your potential misinterpretation of the reports and

1 your propensity to misrepresent those results to our  
2 voters."

3 A. That gets back to what she --

4 Q. She says that, right?

5 A. Right, and it's wrong.

6 Q. Okay. Now my question is, while you are  
7 sitting here saying that she doesn't understand, she  
8 and this letter are saying that you are  
9 misinterpreting the reports, the cancellation  
10 reports, correct? That's what you interpret her  
11 statement to mean.

12 A. She did, and that's one of the reasons we  
13 sought guidance from the state Department of  
14 Elections about what she was saying.

15 Q. Okay. Can you -- can you point to where  
16 you asked the Virginia Department of Elections to  
17 opine on this particular statement of Ms. McKiernan?

18 A. First of all, her concern was part of the  
19 reason that we contacted the state Department of  
20 Elections regarding these concerns. We took action  
21 in part based on the possibility that a reregistered  
22 voter was on the list that the state department would  
23 provide us.

24 And so, no, I can't point to you to the  
25 document that the registrar of Rappahannock has

1       cited, and I did not pit the registrar of  
2       Rappahannock against the state election director in  
3       any document. That document pitting the two of them  
4       together does not exist.

5               Q. So the answer is no, you didn't ask the  
6       Department of Elections to opine on the accuracy of  
7       Ms. McKiernan's statements here?

8               A. The answer is yes, we in fact did, but  
9       it's not -- it doesn't --

10              Q. But it's not actually -- you know, you  
11       didn't actually say, hey, Department of Elections, I  
12       got this letter from Ms. McKiernan, will you opine on  
13       it.

14              A. I've asked --

15              Q. The answer is no, you didn't do that.

16              A. I've told you the document pitting the two  
17       of them together does not exist. That's my  
18       testimony.

19              Q. Ms. McKiernan is not the only registrar to  
20       express concern that PILF was misinterpreting and  
21       misrepresenting elections records, correct?

22              A. If you have more instances of this, I'm  
23       happy to look at them.

24              Q. My question is, you have no recollection?

25              A. I would need my recollection refreshed.

1 If you have a document that will help me do that, I'm  
2 happy to talk about it.

3 Q. So you don't actually remember information  
4 that was passed to you from registrars taking issue  
5 with how your reports were misinterpreting and  
6 misrepresenting the records?

7 A. Well, of course, if you've read Alien  
8 Invasion reports, you know we squarely confronted one  
9 of them, and that's the Arlington registrar. And we  
10 cite that actually in the report her quibbling with  
11 the reports that she is providing and threatening to  
12 produce a derivative report that is not what we asked  
13 for.

14 And so she took issue with it, and we  
15 published her written issues directly in the Alien  
16 Invasion reports. We did more than have awareness of  
17 it; we actually repeated it in the reports.

18 Q. And there were other jurisdictions that  
19 expressed concern with your misrepresentation of  
20 election results.

21 A. Well, I disagree with the premise that it  
22 was misrepresented. I think we represented exactly  
23 what it was, and that's declared noncitizen. You  
24 disagree with that. I disagree with your  
25 interpretation of that.

1           Now if you have a document that would refresh  
2 my recollection about others, I'm happy to look at  
3 it.

4                               (PILF Exhibit 21 marked for  
5 identification: Email correspondence  
6 from (topmost) C Adams dated  
7 2/1/2017  
8 PILF-ADAMS-0006337 - 0006340)

9           MR. TEPE: The court reporter has marked  
10 as Exhibit 21 a document with the Bates number 6337.

11           Q. So PILF was aware, as of January 31st,  
12 2017, that the registrar for Arlington, Linda  
13 Lindberg, had expressed the view that the  
14 cancellation report that you were relying on for your  
15 report and which you relied upon for Alien Invasion I  
16 was not accurate, correct?

17           A. She didn't express this view to us.

18           Q. Well --

19           A. She never took the time to write us a  
20 letter or raise the credibility of her complaint by  
21 actually delivering it to us.

22           So, no, I would take issue with the idea that  
23 she raised this to us. She didn't -- she apparently  
24 didn't think it was serious enough to raise to us.

25           Q. So, again, Mr. Adams, the question was,

1 PILF was aware -- and I'm going to change the  
2 question.

3 PILF was aware as of February 1st that the  
4 registrar of Arlington, Linda Lindberg, had expressed  
5 the view that the cancellation report that you were  
6 relying on for Alien Invasion I was not accurate,  
7 correct?

8 A. She expressed those views to other people.

9 Q. Which was then shared with you. So PILF  
10 was aware of her views.

11 A. We were aware of her privately expressed  
12 views. There was a difference between a privately  
13 expressed view in my mind and one that she is talking  
14 about on a -- on a Listserv versus one that she has  
15 the courage to memorialize and send to us. That she  
16 never did.

17 Q. Okay. But you were, nonetheless, aware.

18 A. I'm aware of a private discussion she had  
19 or at least a relatively small number of recipient  
20 discussion that did not include anybody at PILF.

21 Q. Okay. So the document in front of you is  
22 an email from Linda Lindberg to the GRLIST. Do you  
23 see that?

24 A. I see Exhibit 21.

25 Q. That wasn't my question.

1           A. I see it. I don't know how else to answer  
2 it. I see the document.

3           Q. You can answer the question I'm asking.  
4 So Ms. Lindberg sent an email on January 31st to the  
5 GRLIST, correct?

6           A. That's what document 21 purports to show.  
7 I --

8           Q. And the GRLIST, that is a list that allows  
9 the registrars and Virginia state election officials  
10 to communicate with each other, correct?

11          A. That is what the GRLIST is, as I  
12 understand it.

13          Q. Okay. And someone on that GRLIST forwards  
14 you Ms. Lindberg's email between January 31st at  
15 12:37 p.m. and February 1st at 4:01 p.m., correct?

16          A. I'm not sure.

17          Q. Really?

18          A. You left out the possibility that somebody  
19 had it forwarded to them who wasn't on the GRLIST and  
20 they forwarded it to me. Your question was it was  
21 forwarded by somebody on the GRLIST.

22          Q. Yeah. And so your answer is convenient  
23 because, when you took this email that had come into  
24 your possession and forwarded it to Noel Johnson, you  
25 had deleted the intervening transmission information,



1 correct?

2 A. I protect all of my sources who are either  
3 on the GRLIST or friends with people who are on the  
4 GRLIST.

5 Q. Right. So the answer is yes, you deleted  
6 that information so that Mr. Johnson wouldn't know  
7 your source.

8 A. Absolutely.

9 Q. Right. But your source is Ms. Clara Belle  
10 Wheeler, right?

11 A. I don't know.

12 Q. You don't know?

13 A. Not on this particular one. I have many  
14 sources.

15 Q. Oh, okay. But how can -- how can we, you  
16 know, determine that since you delete the  
17 information?

18 A. You can't.

19 Q. Right. So we actually can't test the  
20 veracity of your testimony.

21 A. What part do you want to test? I  
22 described to you how I delete that information to  
23 protect people who give me the information.

24 Q. Right.

25 A. It's not unusual or illegal or otherwise

1       problematic. It's what happens all over this town  
2       every day.

3               Q. And so in this instance you don't know if  
4       it was Ms. Wheeler who sent you this.

5               A. I cannot remember in this instance, no, I  
6       can't. And if it was, it wouldn't make any  
7       difference. It's public information.

8               Q. That's true. And so it's information that  
9       you were aware of on February 1st, 2017, correct?

10              A. It's information that on February 1st,  
11       2017 I forwarded to Noel Johnson and would,  
12       therefore, be aware of.

13              Q. So when Ms. Lindberg was emailing the  
14       GRLIST and she said, please be aware that the data on  
15       this report is not accurate, as of February 1st you  
16       too were aware that the data on this cancellation  
17       report is not accurate.

18              MR. DAVIS: Objection to form.

19              Q. Correct?

20              A. I too was aware the data were not  
21       accurate?

22              Q. You were aware of Ms. Lindberg's statement  
23       as of February 1st, correct, where she says, please  
24       be aware that the data on this report is not  
25       accurate, you were aware of that, right?

1 A. I had received this communication.

2 Q. And she continues, "and will be  
3 misinterpreted and misrepresented by this  
4 organization, as they have already done with the data  
5 previously received." Do you see that statement?

6 A. She's wrong.

7 Q. Okay. But she's referring to PILF,  
8 correct?

9 A. Yes, and she's incorrect in her  
10 assessment.

11 Q. Okay. She's the registrar of Arlington,  
12 correct?

13 A. Doesn't mean she's always right.

14 Q. Okay. Are you the registrar of Arlington?

15 A. No, but I know a lot more about this than  
16 she does.

17 Q. Okay. And so she says that you will have  
18 two records if someone reregisters, right?

19 A. She wanted to make a derivative record  
20 that was nonresponsive to our request.

21 Q. Right, because --

22 A. And she discusses that.

23 (Clarification by reporter.)

24 Q. And you only wanted the record that listed  
25 cancellations, correct?

1           A. That's not correct. We only wanted the  
2           record that we asked for, which was noncitizen  
3           cancellations.

4           Q. Exactly.

5           A. She wanted to hide information about how  
6           many noncitizen cancellations there were and did not  
7           factor in whatsoever the possibility of intervening  
8           naturalization.

9           It's the recurring problem of intervening  
10          naturalization. And that's, again, one of the  
11          reasons we went to the state election director to ask  
12          for a document that would account for these concerns,  
13          which we later did and which we later quoted in  
14          Alien II.

15          Q. Okay. And so she says, "this group has  
16          and will interpret the fact that there may be voting  
17          credit on the canceled record as 'illegal aliens'  
18          registering and voting, despite the voter having  
19          subsequently affirmed his citizenship." Do you see  
20          that?

21          A. It further undermines her credibility,  
22          because she refers to them as illegal aliens.

23          Q. Okay.

24          A. And that's precisely one of the areas  
25          where I began to conclude that she had an agenda that

1 did not include complying with our document request.

2 Q. And she says, "I'm working through my  
3 report and I've found so far every canceled record  
4 that has voter credit, there is a more recent, active  
5 or inactive voter record available," correct?

6 A. Read the next sentence, because that's the  
7 important one that relates to the previous one. It  
8 says, "I am going to delete or otherwise notate these  
9 names from my report, either by deleting the rows  
10 from the Excel version or marking them on the  
11 report." Of course, she did neither. And you aren't  
12 allowed to delete election records that are part of  
13 an NVRA request.

14 Q. Right, and so -- and so she is saying PILF  
15 is going to misrepresent this data, right? She says  
16 that.

17 A. It's an indication to me that she was not  
18 acting in good faith in compliance with our records  
19 request.

20 Q. And so she knows that the cancellation  
21 record is not all-encompassing and that people have  
22 affirmed citizenship. She says that.

23 A. And that's precisely why we went to the  
24 State Board of Elections to ask about that.

25 Q. And so she is trying to give you an answer

1 that's more accurate, not less accurate.

2 A. That's not correct. She is trying to give  
3 us an answer that's less accurate, because somebody  
4 could be canceled as a noncitizen correctly and  
5 validly and later reregister as a naturalized  
6 citizen, and that would hide the fact -- if I may  
7 finish, please -- that would hide the fact that there  
8 is a defect in the system of administering elections  
9 in this Commonwealth that is rampant and problematic  
10 and we're trying to fix.

11 And so it has nothing to do with trying to get  
12 a report that says one thing that we didn't ask for.  
13 It has to do with documenting a particular problem.

14 (PILF Exhibit 22 marked for  
15 identification: Email correspondence  
16 from (topmost) N Johnson sent  
17 2/1/2017  
18 PILF-ADAMS-0009200 - 0009202)

19 Q. The court reporter has handed you what's  
20 been marked as Exhibit 22 with the Bates number 9200.  
21 Do you see that?

22 A. 9200, right.

23 Q. And I want to direct your attention to the  
24 email of Larry Haake on February 1st. And on  
25 February 1st he wrote to the GRLIST, "I would

1 encourage all to take the PILF request very  
2 seriously." And by "the PILF request," this was a  
3 renewal of your request for the cancellation records,  
4 right?

5 A. I'm sorry. I was reading it. I was  
6 trying to find where he refers to that.

7 Q. Okay. So in the first sentence he says,  
8 "I would encourage you all to take the PILF request  
9 very seriously." Do you see that sentence?

10 A. I see it.

11 Q. Okay. And the PILF request that he's  
12 referring to is the renewal of PILF's request for the  
13 cancellation, noncitizen cancellation report, right?

14 A. I think it's probably the August 8th  
15 request.

16 Q. Okay. Which is asking for that record --

17 A. It's asking -- right.

18 Q. -- the cancellation record. And Linda  
19 Lindberg is correct that they are consciously  
20 misrepresenting the data they are receiving from us.

21 A. It sounds very conspiratorial, doesn't it.  
22 It's not accurate.

23 Q. Okay. There's no question pending other  
24 than that.

25 A. I thought there was. Well, you didn't ask

1 one, so --

2 Q. Exactly. And so Linda Lindberg is correct  
3 that they are consciously misrepresenting the data  
4 they are receiving from us. Do you see that?

5 A. Yes.

6 Q. And the "they" here is PILF, correct?

7 A. I don't know, but it would seem to be a  
8 reasonable context.

9 Q. Right. And he says, "clearly, they have  
10 no legitimate purpose in what they are doing."

11 A. Yeah.

12 Q. "But neither of these facts are legitimate  
13 legal reasons to ignore them." That's what he says,  
14 right?

15 A. That's what he says.

16 Q. Now in the third paragraph he's referring  
17 to the lawsuit that you filed against his county,  
18 Chesterfield County, right?

19 A. I don't know. There's been -- there were  
20 a couple.

21 Q. So Larry Haake, he's -- he was the  
22 registrar of Chesterfield County, right?

23 A. Right, but there were two other lawsuits.  
24 I assume that that's what he means, but I wish he had  
25 been more clear for me to answer that.



1 Q. And so he says, "during the course of the  
2 lawsuit, the PILF lawyer lied about the data  
3 Commission Cortes mentioned they were provided in  
4 September, denying that they received any data."  
5 Okay?

6 Now what he's referring to is, is a report  
7 that the Virginia Department of Elections had offered  
8 PILF in September, right?

9 A. Yeah, but nobody lied. No, he's not  
10 referring to that. He's offering -- he's referring  
11 to a report that was nonresponsive to what we asked  
12 for.

13 Q. I understand, but he is referring to a  
14 report that was offered by the Department of  
15 Elections to PILF, right?

16 A. That did not comport with the requested  
17 information that PILF requested.

18 Q. Okay. And, let's see, he says in the last  
19 sentence, "they are fully aware the particular report  
20 they want is misrepresentative of the actual truth,  
21 but the truth is clearly not what they want."

22 A. And your question is?

23 Q. My question is, when he says "the  
24 particular report," he's referring to the VERIS  
25 cancellation report, correct?

1           A. I don't know, but I --

2           Q. That was the report that you wanted,  
3 right?

4           A. They are fully aware the particular report  
5 they want ... yeah, but he's wrong about that. He is  
6 squarely wrong about all of this.

7           Larry Haake is a pretty well-known hothead  
8 among election officials. He is no longer in office.  
9 And he says things and has a reputation for saying  
10 things that are not always meant to reflect reality  
11 but rather are meant to vent, and this is full of  
12 things that are not exactly -- they are not even  
13 close to being accurate, as a matter of fact, and he  
14 knows it probably.

15          Q. He was the Chesterfield -- he was the  
16 registrar of Chesterfield County before he retired,  
17 right?

18          A. Not anymore he's not.

19          Q. Exactly. My question, sir, is, he was the  
20 registrar of Chesterfield County before he retired.

21          A. Here he's purporting to be a mind reader  
22 of PILF's motivation, so he's not a very skilled --  
23 he was the Chesterfield registrar, that's correct.

24          Q. Okay. So the answer to my question was  
25 yes.

1           A. He was the Chesterfield registrar. That's  
2 not subject to dispute.

3           Q. Well, then why couldn't you just say yes?

4           A. I did say yes.

5           Q. No, you talked about mind readers.

6           So now that we're all on the same page that  
7 Mr. Haake was the registrar of Chesterfield County  
8 before he retired, my question then now is to you,  
9 are you the registrar of Chesterfield County?

10          A. Really?

11          Q. Have you been a registrar of any county in  
12 Virginia?

13          A. No.

14          Q. So you get a copy of this email from Mr.  
15 Haake to the GRLIST, right?

16          A. At some point, yes.

17          Q. Right, because on February 1st you  
18 email -- you forward this internal GRLIST  
19 communication to Mr. Johnson and Mr. von Spakovsky,  
20 correct?

21          A. Where is that -- yes.

22          Q. And you say, "again, do not act on this  
23 intel yet. Very important to keep this intel I am  
24 getting secret."

25          A. Right.

1 Q. Right. And so was this email or, I should  
2 say, this Listserv communication forwarded to you by  
3 Ms. Wheeler?

4 A. I don't remember. This was in 2000 --  
5 this was over two years ago.

6 Q. And why was it very important to keep this  
7 intel secret?

8 A. Because he's -- your question is why is it  
9 important to keep this intel secret?

10 Q. Right.

11 A. Right?

12 Q. Right.

13 A. I'm going to answer you. Larry Haake says  
14 a number of things in the email of February 1st that  
15 are brazenly wrong, possibly indicative of his lack  
16 of fitness to be in this position, and  
17 misrepresenting a wide variety of obvious factual  
18 information that he should not be doing.

19 I know Larry Haake and I've known him for a  
20 while, and for him to say things like this that are  
21 so patently false, so entirely inflammatory, really  
22 raises questions as to whether he should continue in  
23 the position of general registrar.

24 Q. And so that's something you wanted to keep  
25 secret?

1           A. On February 1st at 3:55 the answer was  
2       yes.

3           Q. Prior to Alien Invasion II, PILF was also  
4       made aware that the Virginia Department of Elections  
5       had determined that the data from the DMV regarding  
6       individuals who self-identified as noncitizens were  
7       overinclusive, correct?

8           A. I don't think so, but if you have a  
9       document that refreshes my recollection, I'd  
10      appreciate it because I didn't quite understand your  
11      question either.

12          Q. Prior to Alien Invasion II, PILF was also  
13      made aware that the Virginia Department of Elections  
14      had determined that the data from the DMV regarding  
15      individuals who self-identified as noncitizens was  
16      overinclusive.

17          A. The data of individuals who  
18      self-identified as noncitizens ... I don't think  
19      that's possible that it could be overinclusive if  
20      it's data -- basically, you would be saying that  
21      we're reporting the self-identifications -- we're  
22      creating fiction. That doesn't make any sense.

23          If it's overreporting self-identified citizen  
24      checkbox noes, no, I don't know about that. That  
25      would mean that they have a data problem in their

1 computer system that's creating no checkboxes that  
2 were never made.

3 Q. PILF was aware that DMV was reporting out  
4 individuals who also provided no response to the  
5 citizenship question, correct?

6 A. No response, yes or no, that's your  
7 question.

8 Q. Yes. PILF was aware of that.

9 A. No, I don't know. If you have a document,  
10 I'd like to see it. I don't remember right now.

11 (PILF Exhibit 23 marked for  
12 identification: Email correspondence  
13 from (topmost)  
14 a@electionlawcenter.com sent  
15 5/20/2017  
16 PILF-ADAMS-0000043 - 0000044)

17 Q. The court reporter has marked as Exhibit  
18 23 --

19 A. Ah.

20 Q. -- a document Bates number 43.

21 A. Right.

22 Q. And so this is an email from Mr. Cortes,  
23 who was the Virginia Department of Elections  
24 commissioner, correct?

25 A. No. This is an email from Clara Belle

1 Wheeler, who is telling me that she did not  
2 understand this garbled mess.

3 Q. No, no, no, Mr. Adams. Mr. Adams, the  
4 first email in the chain.

5 A. Oh, the bottom?

6 Q. Yes.

7 A. Okay.

8 Q. So Mr. Cortes sends an email to the GRLIST  
9 May 19th, right?

10 A. Okay.

11 Q. May 19th?

12 A. May 19th, 2017.

13 Q. And this is -- this is before Alien  
14 Invasion II was published, right? Sir?

15 A. What?

16 Q. This was before Alien Invasion II was  
17 published, correct, May 19th?

18 A. Right.

19 Q. Yes. And Mr. Cortes's message was  
20 forwarded to you by Clara Belle Wheeler, correct?

21 A. Correct.

22 Q. And so she is on the GRLIST and she sent  
23 this to you, right?

24 A. I don't know. She forwarded it -- once  
25 again, it may be that she's getting this email from a

1 third party. I don't know.

2 Q. Yes, you don't know.

3 A. I don't know.

4 Q. You don't know. You're just speculating.

5 A. No, I don't know.

6 Q. And so Mr. Cortes refers to a review of  
7 its data files -- I'm looking at the second  
8 sentence -- "as I described in a prior email, the  
9 Department began a post-election review of its data  
10 files and identified several files that were not  
11 properly loaded into VERIS." Do you see that?

12 A. This -- okay.

13 Q. Do you see that?

14 A. Right.

15 Q. Okay. "As part of this review and working  
16 in conjunction with our partners at DMV, it was  
17 discovered that some of the list provided by DMV  
18 regarding individuals who self-identified as  
19 noncitizens were overinclusive." You see that,  
20 right?

21 A. This relates --

22 Q. And then he says, he writes, "while the  
23 files did contain the individuals that responded no  
24 to the citizenship question, the files also contained  
25 individuals that provided no response to the



1 question," correct? That's what he says here.

2 A. This doesn't have anything to do with the  
3 reports.

4 Q. Okay. And so the reports, the  
5 noncitizenship reports, that you included as Exhibit  
6 1 --

7 A. No, you're wrong about that. You're wrong  
8 about that. This relates to an issue that was  
9 raised --

10 Q. I'm wrong about a question I haven't even  
11 been able to ask?

12 A. Go ahead. I'm sorry.

13 Q. Okay. So Exhibit 1 to Alien Invasion II,  
14 the declared noncitizen cancellation report, right?  
15 Are you with me?

16 A. Go ahead.

17 Q. That is a report that is generated based  
18 on information that comes from the DMV, correct?

19 A. In part. Not this particular issue, no,  
20 not even in part. It's absolutely no relationship.

21 Q. Okay. So you will agree with me that the  
22 process is, as we've talked about a number of times  
23 today, people who are on the rolls, right, they go to  
24 the DMV, and then they perhaps provide some contrary  
25 information about citizenship at the DMV, correct?

1 Are you with me so far?

2 A. Go ahead.

3 Q. That -- those are situations that occur,  
4 right? You get contrary information --

5 A. Contrary information from what?

6 Q. Right, on citizenship. They say no in the  
7 checkbox, right?

8 A. That's not contrary; it's a they say no.

9 Q. Okay. And before they were on the rolls  
10 because they had said yes.

11 A. Go ahead.

12 Q. Okay. So DMV sends this information to  
13 the Department of Elections to see if the person who  
14 had indicated no in the checkbox is on the rolls,  
15 correct?

16 A. DMV sends the data to -- the Department of  
17 Elections has access to the data is the better way of  
18 characterizing that.

19 Q. Okay. And then for those people who  
20 there's a match, they're registered, they get sent a  
21 letter, correct?

22 A. A match -- when they self-identify as a  
23 noncitizen, they -- there's a follow-up process.

24 Q. Right. And so the follow-up process is  
25 DMV sends this information. DOE, Department of

1 Elections, looks at it, says, yes, this person who  
2 had indicated they're not a citizen, they're  
3 registered. And so now we have a conflict.

4 A. Right.

5 Q. So the next step in the process is to send  
6 out a notice of what's called the Notice of Intent to  
7 Cancel, correct?

8 A. Right.

9 Q. Right. And in the Notice of Intent to  
10 Cancel the voter is informed that they had received  
11 some information about their lack of citizenship from  
12 the DMV, correct?

13 A. Right.

14 Q. And then if that is incorrect, they should  
15 respond by filling out an affirmation of citizenship,  
16 right?

17 A. If they're a citizen.

18 Q. If they're a citizen, right? That's why I  
19 said, if the information that came from the DMV is  
20 wrong and they are a citizen, they should submit that  
21 affirmation of citizenship, correct?

22 A. Right.

23 Q. Okay. And they have two weeks to do it,  
24 correct, before the state can cancel them, right?

25 A. Right.

1           Q.   Okay.  What this document is indicating is  
2   that the information, the data, that is coming from  
3   DMV is including people who didn't check the box at  
4   all.

5           A.   Wrong.  What I tried to explain to you  
6   earlier is that this related to an isolated period of  
7   time just prior to the 2016 election.  It was not all  
8   of those years associated with the VERIS reports.  
9   That's what I tried to explain to you.

10          This was a very insulated and limited defect  
11   that affected the DMV data around the time period of  
12   the 2016 election where the Department of Elections  
13   took down their citizenship verification protocols  
14   ahead of the 2016 election.  That incensed a lot of  
15   members of various county electoral boards, the  
16   Republican member of the state board.  And there was  
17   a whole line of inquiry about why this was no longer  
18   showing up in the hoppers.

19          And so it was not a omnibus problem going back  
20   years.  It was an isolated in time problem.  That's  
21   my understanding of it.

22          You'll see that Clara Belle refers to this as  
23   a garbled mess.  I would not disagree with that  
24   characterization.  And there's a lot of questions  
25   about what was really going wrong with the data.

1           So, no, I would disagree with you that this  
2           was something that affected all of the data going  
3           back multiple years. My understanding is it's an  
4           isolated issue.

5           Q. Okay. But there was a period of time in  
6           which, according to this, you would agree, DMV was  
7           reporting out information to the Department of  
8           Elections indicating people had indicated  
9           noncitizenship when in fact they had provided no  
10          response at all.

11          A. A very short period of time that would not  
12          have affected these reports. That's my  
13          understanding.

14          Q. Now is it true that you were troubled by  
15          the inclusion of an individual in Alien Invasion II?

16          A. Troubled?

17          MR. DAVIS: Objection to the form.

18          Q. Troubled.

19          A. Yeah, I don't understand the question.

20          Q. You were troubled, weren't you, before  
21          Alien Invasion II was published by an individual who  
22          was called out by name in that report?

23          A. I don't know. I might have been. If you  
24          have something to show me, we can move this along  
25          quicker if you would show it to me.

1 (Johnson Exhibit 16  
2 previously marked for identification  
3 and referenced herein: Email  
4 correspondence to (topmost) C Adams  
5 sent 6/19/2017 PILF-ADAMS-0000210)

6 Q. Handing the witness what has been  
7 previously marked as Johnson Exhibit 16.

8 On page 10 of Alien Invasion II you  
9 highlighted Maureen Erickson, correct?

10 A. This doesn't have any ... we're  
11 discussing -- there's some -- looks like a Washington  
12 Times article -- yeah, because this is Dinnan -- and  
13 it talks about somebody named Maureen Erickson.

14 Q. Yeah, Maureen Erickson is called out in  
15 page 10 of Alien Invasion II, right?

16 A. I'm sorry?

17 Q. Maureen Erickson, she was called out by  
18 name on page 10 of Alien Invasion II. You know that.  
19 You certainly haven't forgotten that, have you? I  
20 mean, there's a whole story written about it in the  
21 Washington Times.

22 A. It says Maureen Erickson.

23 Q. Yeah. And so this story in the Washington  
24 Times highlights the fact that, well, Maureen  
25 Erickson is actually a citizen, right?

1           A. I think there's a story in the Times about  
2 that. That's what I'm referring to.

3           Q. Yeah. And, and you certainly haven't  
4 forgotten the fact that you call out Maureen Erickson  
5 as a person who is a noncitizen, a person who resided  
6 at a foreign address, correct?

7           A. I don't see that on here.

8           Q. Yeah.

9           A. Are you talking about Exhibit 16?

10          Q. Sir, do you recall the content of Alien  
11 Invasion II?

12          A. I'm sorry. I thought you were asking  
13 about Exhibit 16.

14          Q. Sir, do you recall the content of your  
15 report?

16          A. Right, right, yes.

17          Q. And on page 10 --

18          A. Okay. We're back to that. Okay.

19          Q. On page 10 you highlight Maureen Erickson,  
20 yes?

21          A. Her name is there on page 10.

22          Q. Right. And she is one of the 5,556 people  
23 that PILF identified as a noncitizen in Exhibit 1.

24          A. She's in the report because she was in the  
25 state declared noncitizen report.

1 Q. Right. And but even before Alien Invasion  
2 II was published, you were troubled by the  
3 possibility that she was in fact a citizen, correct?

4 A. That's not correct.

5 Q. Okay. So then let's look at this email of  
6 yours of June 19th. Do you see that?

7 A. Right.

8 Q. Right. So you respond to -- you send an  
9 email to Mr. Johnson, Mr. Churchwell, with regard to  
10 the Washington Times story, correct?

11 A. I do, on June 19th, two weeks after the  
12 publication of the report.

13 Q. And you say, and you have -- you say the  
14 case troubled me because I looked, I assume you meant  
15 it looked, like a UOCAVA registration to me. Do you  
16 see that?

17 A. Well, I'm not going to speculate what I  
18 was trying to write. I probably -- that probably is  
19 an autocorrect or something, I don't know, but I'm  
20 referring to the Washington Times article.

21 Q. Right.

22 A. Maureen Erickson has a Guatemala address,  
23 and for her to say that she's a citizen, because I  
24 think they talked to her -- do you have the Times  
25 article? If you can show me, I can give you more of



1 the basis for why I wrote this, but I only have a  
2 snippet here. And after reading the Times article,  
3 it looks to me like she could have been a UOCAVA  
4 voter.

5 Q. Right. And so the snippet that you quote  
6 from the Times article here is, "Maureen was born in  
7 the U.S. to U.S. citizens and has voted ever since  
8 she was 18."

9 A. But that's not the whole Times article.  
10 There's other information in the article that's  
11 relevant to my conclusion below that she might have  
12 been a UOCAVA voter.

13 Q. And so but you were troubled by this  
14 before Alien Invasion II was published, right?

15 A. No, I wasn't. I was troubled by it when I  
16 read the Washington Times article.

17 Q. Okay. So before Alien Invasion II was  
18 published, you were confident Maureen Erickson was a  
19 noncitizen.

20 A. I had no view about Maureen Erickson  
21 personally. Maureen Erickson appeared in the report  
22 because she had been canceled as a noncitizen by the  
23 Virginia election officials, and --

24 Q. But she hadn't --

25 (Clarification by reporter.)

1 Q. She hadn't been canceled as a noncitizen.  
2 She had been canceled because of an indication of  
3 noncitizenship coming from the DMV, and she did not  
4 affirm citizenship within two weeks, right?

5 A. You left out an important word. She was  
6 declared noncitizen by the state election officials.  
7 Declared noncitizen report, her name appeared.  
8 That's why I was confident that she was a noncitizen.

9 Q. Because you choose to believe the checkbox  
10 on the DMV paperwork but not the checkbox on the  
11 original voter registration application, correct?

12 A. Nope, that's not correct. What I choose  
13 to believe is what the government documents say, what  
14 I have spoken with multiple election officials about,  
15 about the inherent reliability of those government  
16 documents, and a wide variety of other information  
17 that leads me to conclude that one can have a degree  
18 of confidence in those government documents.

19 What troubled me was the story that she was a  
20 missionary U.S. citizen. We want to get this right.  
21 And I think what's troubling about it is that the  
22 state appears to be canceling noncitizens, something  
23 we didn't think could be possible in the summer of  
24 2016. And, frankly, needs to be addressed, and so  
25 far, as I see it, the defendants are the only one

1 addressing it.

2 (Johnson Exhibit 27

3 previously marked for identification

4 and referenced herein: Email

5 correspondence from (topmost) N

6 Johnson sent 3/28/2017

7 PILF-ADAMS-0001979 - 0001980)

8 MR. TEPE: The witness has been handed a  
9 document that's been previously marked as Johnson 27,  
10 Bates number 1979.

11 Q. The email chain begins with an email from  
12 Edgardo Cortes on March 28th, correct? Correct?

13 A. I'm sorry. What was the question?

14 Q. The question was the email chain begins  
15 with an email from Edgardo Cortes on March 28th,  
16 correct?

17 A. Right, right.

18 Q. And this is him sending over the  
19 cancellation reports, the statewide cancellation  
20 report, correct, that you had requested?

21 A. No, this was him sending over the report  
22 we had requested months before, which was the  
23 declared noncitizen reports.

24 Q. Right. We're talking about the same  
25 thing. And so --

1           A. I'm calling it what it is. That's what it  
2 says in the document.

3           Q. And so the -- so he sends that over at  
4 1:25 p.m., and then at 1:57 p.m. Mr. Johnson sends an  
5 email to you, Mr. Churchwell and Shawna Powell. Do  
6 you see that?

7           A. Right.

8           Q. And he copies the image of one of the  
9 entries from the cancellation report that you just  
10 got.

11          A. Right.

12          Q. Right. And this entry was for a George  
13 Washington, Junior, right?

14          A. Right.

15          Q. Yes. And he said, "already nabbed  
16 descendant of George Washington." That's what  
17 Mr. Johnson says, right?

18          A. Yes.

19          Q. Did you interpret him to be making a joke?

20          A. Absolutely.

21          Q. Right. And then you say in response, "if  
22 false-positive, they will use this one against us."

23          A. That's what it says.

24          Q. Right. And then so at this time you were  
25 aware of the notion that there were people on here

1 who were citizens, right?

2 A. No. That's absolutely not true.

3 Q. Then why would you say it was  
4 false-positive?

5 A. I was aware of the general nature of  
6 false-positives in doing this kind of research.

7 Q. Right, and a false-positive is someone who  
8 is on the cancellation list who is actually a  
9 citizen, right?

10 A. Right. And there's a difference between a  
11 generalized awareness of a false-positive versus  
12 specific information relating to the potential  
13 false-positives on the list. There's a very big  
14 difference between those two things.

15 Q. So are you saying that you didn't know  
16 whether or not George Washington, Junior was a  
17 citizen or noncitizen?

18 A. I was following up on this, since you  
19 asked, I was following up on the joke that Noel  
20 Johnson made that, in the unlikely event that this  
21 was a false-positive, it will certainly be one used  
22 against us because it is George Washington from  
23 Fredericksburg, which, if you -- actually it's  
24 Woodford, Virginia, Fredericksburg Turnpike -- it  
25 would certainly be one that will create some degree

1 of laughter that the person was falsely reported as a  
2 noncitizen.

3 Q. You had his address here, right?

4 A. It says Fredericksburg Turnpike, Woodford,  
5 Virginia.

6 Q. You didn't follow up with him to see if he  
7 was or was not a citizen, correct?

8 A. Well, this goes back to my previous  
9 testimony that we had a policy of not contacting  
10 these people because we had no way to verify. They  
11 could say they were a citizen and they could not tell  
12 the truth. They could not -- there's a variety of  
13 reasons why that would have been a futile exercise.

14 Q. Okay.

15 (PILF Exhibit 24 marked for  
16 identification: Email correspondence  
17 from (topmost) L Churchwell sent  
18 5/25/2017  
19 PILF-ADAMS-0000241 - 0000246)

20 Q. The court reporter has marked an exhibit  
21 as 24, a document with the Bates number 241.

22 The email chain begins with an email from  
23 Keith Damon to Reagan George. Do you see that?

24 A. Not yet, but let me go ...

25 Q. Keith Damon was assisting Reagan George

1 with going through the cancellation records, correct?

2 A. That's what the email appears to show.

3 Q. And he writes to Mr. George, "I've decided  
4 to look at the records of some of the people on the  
5 list. I just randomly picked non-Hispanic surnames  
6 living in single family homes in Fairfax County."

7 "Based upon this analysis," I now wonder if this  
8 really -- "if this is really a list of actual  
9 noncitizens or rather a list of people who, via the  
10 DMV, apparently indicated they are noncitizens  
11 regardless of their true status. In other words,  
12 while the list is real, does it really prove that the  
13 people on the list are noncitizens." Do you see  
14 that?

15 A. That's what it says.

16 Q. And he cites two people in particular as  
17 examples, correct?

18 A. That's on the email.

19 Q. Right. Mr. George responds on May 25th,  
20 2017 by copying you, correct?

21 A. Right.

22 Q. And Mr. George said, "there is no way for  
23 you and I, or, for that matter, Christian, to  
24 investigate all of these identified noncitizens.  
25 They have all been removed from VERIS because they

1 self-declared to the DMV, a government agency, that  
2 this was their status," right?

3 A. It says that.

4 Q. And then he said, you know, if they don't  
5 understand the question, or they were trying to make  
6 a political statement, or they were coerced into  
7 registering in the first place, it's not our job to  
8 determine. Do you see that?

9 A. I see that.

10 Q. Right. So you were aware at the time  
11 before Alien Invasion II was published that certainly  
12 one of the folks working on it was concerned about  
13 whether or not these people were in fact noncitizens.

14 A. One of the first working on it being whom?

15 Q. Mr. Damon.

16 A. He actually said there's no way to tell.  
17 You didn't read the whole email. Mr. Damon was  
18 concerned, and, after all of these emails were  
19 exchanged, what you don't have is the description of  
20 the conversation I had with Mr. Damon where his  
21 concerns were alleviated, and we both concluded that  
22 his concerns were alleviated, that this is the best  
23 information there is, the state stands by it, calls  
24 it declared noncitizen. So Mr. Damon retracted much  
25 of his concerns after we talked through these issues.



1           Q.   You wrote on May 25th, on the first page,  
2   it says:

3               "Keith, it's the best data  
4               available.  If the fact a registrant  
5               was a citizen, their own system  
6               reported otherwise and kicked them  
7               off the rolls.  Nobody has better  
8               data than we do.  If there are  
9               false-positives, it's state data and  
10              procedures that made them  
11              false-positives."

12           Do you see that?

13           A.   I do.

14           Q.   And so that's what you were just  
15   testifying.  It's the best data you have.

16           A.   No, that's not what I was just testifying  
17   about.  You're mischaracterizing my testimony.

18               What I testified about previously was that I  
19   had a conversation with Mr. Damon after these emails,  
20   and there was an understanding that there was no way  
21   for us to ultimately verify the citizenship of each  
22   of these individuals, and that the state has taken  
23   the drastic step of removing them from the voter  
24   rolls as noncitizens.  And that fact has a great deal  
25   of weight, both in the reliability of the

1 information, but also in the processes and whether or  
2 not the state needs to improve those processes.

3 As you know, we filed a lawsuit against the  
4 state to get them to improve those processes --

5 Q. So --

6 A. -- one, which, by the way, you opposed, or  
7 at least your clients did.

8 Q. I don't know what you're referring to  
9 there, but it's not responsive to the question.

10 So Mr. Damon, before you had responded to him,  
11 had said, "I raise this issue, not to express my own  
12 willingness to participate, but rather to express my  
13 concern that conclusions reached might be  
14 challenged." Do you see that?

15 A. No, I don't. Where is it?

16 Q. It's the second paragraph of Mr. Damon's  
17 email at 5:23 p.m.

18 A. 5:23, okay, I see it.

19 Q. Right.

20 A. Shall I continue to read? Is there a  
21 question?

22 Q. He raises a concern about those who were  
23 dropped or canceled who subsequently affirmed their  
24 citizenship. Okay? Generally speaking, that was a  
25 concern of his.

1           A. It speaks for itself. He also, for  
2           inventorying his views, he says he's interested that  
3           Edgardo Cortes states that people who were dropped  
4           and subsequently affirmed will not be on the list,  
5           which would appear to negate my concerns. That was a  
6           conclusion ultimately reached by Mr. Damon --

7           Q. Right.

8           A. -- as it relates to this issue.

9           Q. And Mr. Damon also raises the fact that  
10          the current reports that he was working on, like the  
11          current one which has deletions as late as April  
12          27th, it might reflect a period when the person has  
13          been dropped before he realizes that he was  
14          incorrectly dropped.

15          A. No, that's not -- first of all, that's a  
16          tiny fraction given the time issue, that that would  
17          have been a very recent event, and these go back to  
18          2011. So it's not -- it doesn't have a lot of  
19          possible people who fall in that category.

20          Q. Okay.

21          A. That's the first problem with that.

22          Q. Right, but -- but he does identify a  
23          population of people on the cancellation reports that  
24          you published, namely, those people who were canceled  
25          right before the reports were generated and given to

1 PILF, those individuals may just not have had the  
2 opportunity to respond to the notice of intent to  
3 cancel and affirm their citizenship, correct?

4 A. So you're referring to two weeks worth of  
5 names, that's all. And so we can calculate that  
6 number. My guess is it's probably in the single  
7 digits.

8 Q. But the two weeks, after two weeks, they  
9 get canceled, and then a lot of times registrants,  
10 you would agree, do not reregister and affirm their  
11 citizenship until after they're already canceled,  
12 right?

13 A. That's irrelevant to the question of  
14 whether there was a substantial basis to report that  
15 these people had been canceled for declared  
16 noncitizens. There are people who naturalize and  
17 later reregister. I will grant you that.

18 Q. But it would be incorrect to call them a  
19 noncitizen.

20 A. No, it wouldn't, because the report says  
21 declared noncitizens. Under state law they were  
22 declared noncitizens period.

23 Q. So that is correct, that is the cancel  
24 type listed in the column, right?

25 A. It's more than just the cancel type. It's

1        what happened. It's the document's title. It's what  
2        the state did.

3                When you take somebody off the voter rolls,  
4        that's a weighty thing. When you remove somebody's  
5        active registration, that is a serious matter, and  
6        the inference of taking that action is that there was  
7        validity to it.

8                You don't just take somebody off the voter  
9        rolls without a process. And the state was taking  
10       people off the voter rolls, and we interpreted that  
11       process as having validity or else they wouldn't be  
12       doing it.

13               Now, as I sit here today, we have since  
14       learned that the state was taking people off the  
15       voter rolls who were citizens, your client apparently  
16       being one of them. And that's why we filed a lawsuit  
17       against the state to get them to fix this, by the  
18       way, a filing which you opposed when we made it. You  
19       attempted to prevent us from filing it as part of  
20       this action.

21               So we made an effort to fix this problem,  
22       which you opposed. And that was responsive.

23               Q. I think, Mr. Adams, you are referring to  
24       the fact that you were trying to shift the blame for  
25       the things alleged in our complaint to the Virginia

1 Department of Elections and plead them when there was  
2 no legal basis. Is that what you're talking about?

3 A. You really think that's what I'm talking  
4 about? That's not -- that's an argumentative  
5 question.

6 Q. Okay. So you said that, under state law,  
7 people were declared noncitizens period. What state  
8 law are you referring to?

9 A. I don't know.

10 Q. You don't know.

11 A. Nope. If you want to get me the Virginia  
12 code book, the Election Code, I'll tell you exactly  
13 what it was, but it's the state procedures relating  
14 to noncitizenship cancellation. They were declared  
15 noncitizens and removed from the rolls. This  
16 isn't -- this isn't subject to interpretation.  
17 That's what the document says.

18 Q. And nowhere does that document say that  
19 the state of Virginia had adjudicated its own  
20 citizenship, correct?

21 MR. DAVIS: Objection to form.

22 A. Actually there are documents that say  
23 that.

24 Q. No, the document that you're referring to,  
25 the procedures that you're referring to, does not say

1       that Virginia has adjudicated in fact people's  
2       citizenship.

3               A.   That's not true.   There are documents that  
4       say that.

5               Q.   That's not what I'm asking, sir.

6               A.   I answered your question.

7               Q.   I'm not asking about documents.   I'm not  
8       asking about --

9               A.   Oh, I'm sorry.

10              Q.   No, you understand --

11              A.   No, I didn't.

12              Q.   -- precisely, because I've asked it now  
13       twice, and this will be the third time.

14              I'm asking you, you said that there was a  
15       state law, and then you refer -- I asked about what  
16       state law, and then you referred to the procedures of  
17       the Virginia Department of Elections, right?

18              And then I'm saying in those procedures there  
19       is nothing that states that the Virginia Department  
20       of Elections is adjudicating in fact someone's  
21       citizenship.

22              A.   I would disagree with that, but we can --  
23       we can talk about the procedures, if you want to pull  
24       them out, but, as I sit here right now, I disagree  
25       with that.   And I disagree with it because of things

1 that have been said to me by two former state  
2 election directors for the Commonwealth of Virginia.

3 MR. DAVIS: I'm going to object to this  
4 line of questioning anyway. I think it's getting  
5 into legal interpretation.

6 MR. TEPE: Why don't we just take a short  
7 break.

8 MR. DAVIS: Sure.

9 VIDEO SPECIALIST: We are off the record,  
10 5:01.

11 (Proceedings recessed)

12 VIDEO SPECIALIST: We are back on the  
13 record, 5:04.

14 BY MR. TEPE:

15 Q. Mr. Adams, in Alien Invasion II you had  
16 advocated for law enforcement to prosecute  
17 individuals such as the ones listed in Alien Invasion  
18 II, correct?

19 A. That's not accurate. I didn't advocate or  
20 the company did not advocate for specific individuals  
21 to be prosecuted.

22 Q. Right.

23 A. As I previously testified, which I'm happy  
24 to do it all over again, subject to my attorney  
25 making an objection on asked and answered, we did not



1 advocate for prosecution of named individuals. We  
2 advocated for the law enforcement officials to take  
3 investigative steps that, if warranted, would lead to  
4 prosecution. There is a very large difference  
5 between the two of those.

6 Q. After Alien Invasion II was published,  
7 PILF mailed the report to a number of prosecutors,  
8 correct?

9 A. Well --

10 Q. You don't remember?

11 A. Well, I'm trying to decide whether to  
12 include in my answer all the parties who mailed the  
13 report to prosecutors and talked to prosecutors.

14 But for now I'll say, yes, PILF was one of the  
15 parties that mailed reports to prosecutors and talked  
16 to prosecutors.

17 Q. And that's all my question asked for.

18 A. Mm-hmm.

19 Q. So I appreciate you staying with the  
20 question asked.

21 (Johnson Exhibit 17  
22 previously marked for identification  
23 and referenced herein: Email  
24 correspondence from (topmost) N  
25 Johnson sent 5/26/2017 with

1 attachment

2 PILF-ADAMS-0000782 - 0000784)

3 Q. So handing you what has been marked  
4 previously as Johnson Exhibit 17.

5 A. I have the document.

6 Q. And so this is a mailing list that  
7 Mr. Johnson forwarded on May 26th, 2017 to yourself  
8 and others, correct?

9 A. May 26th to Johnson, to Adams, Churchwell,  
10 Powell, yes.

11 Q. Right. And among the people listed are a  
12 number of Commonwealth attorneys, correct, about 20?

13 A. Seventeen, 18, 19 -- I think it's 19.

14 Q. As well as a U.S. attorney for Eastern  
15 District of Virginia?

16 A. Yes.

17 Q. U.S. attorney for the Western District of  
18 Virginia, correct? That's right underneath  
19 Commonwealth attorney. You don't have to go far.

20 A. Right, Rick Mountcastle.

21 Q. And the deputy assistant attorney general  
22 John Gore, right?

23 A. Correct.

24 Q. Who is this Eric Drieband?

25 A. He is the assistant attorney general for

1 civil rights.

2 Q. So you mailed the report out to all those  
3 Commonwealth attorneys, correct?

4 A. The company mailed the report to those  
5 Commonwealth attorneys.

6 Q. And that included the names of the  
7 individuals?

8 A. No, it did not.

9 Q. No, just the report?

10 A. Yes.

11 Q. That tells people how to obtain the list.

12 A. There's a difference.

13 Q. I understand.

14 A. It did not include the names. The mailing  
15 did not include the names of the individuals in any  
16 of the exhibits.

17 Q. No Commonwealth attorney contacted PILF to  
18 follow up; is that right?

19 A. I don't believe so.

20 Q. Do you recall a Commonwealth attorney --

21 A. I just answered the question. I don't  
22 believe any called us.

23 Q. Okay. And then when that happened, when  
24 no Commonwealth attorney contacted PILF, you directed  
25 PILF personnel to follow up with the Commonwealth

1 attorneys, correct?

2 A. No, I think there were intervening events.  
3 It wasn't -- it wasn't that simple.

4 (PILF Exhibit 25 marked for  
5 identification: Email correspondence  
6 from (topmost) S Powell sent  
7 7/5/2017  
8 PILF-ADAMS-0000022 - 0000028)

9 Q. The court reporter has just marked as  
10 Exhibit 25 a document with Bates number 22. Do you  
11 recognize this document?

12 A. I've reviewed this document.

13 Q. Okay. And so this email chain begins with  
14 an email from you on June 23rd; is that right?

15 A. It starts June 23, right.

16 Q. And the subject line is "follow-up in  
17 Virginia," you emailed Ms. Powell and Mr. Churchwell,  
18 right?

19 A. Right.

20 Q. And you wrote, "It's been weeks. Could  
21 you two do a sweep of Commonwealth attorneys in  
22 Virginia and ask them a few questions." Right?

23 A. Right.

24 Q. Right. One of those, did you get our  
25 report, did you need anything else, who is the lawyer

1 in your office working on what we sent, have they  
2 gotten the list of voters from your county. Because  
3 you also sent them the list of voters from your  
4 county.

5 A. I've testified no. This refers to them  
6 getting the list from their election officials. I've  
7 already testified to you once that we didn't send the  
8 list of voters. You've asked me twice now.

9 Q. But you did instruct your team to follow  
10 up with Commonwealth attorneys, correct?

11 A. Well, my team included the lawyer from  
12 Skadden Arps, so --

13 Q. No, no, no.

14 A. Yes, yes, yes.

15 Q. Sir, sir, okay, let me -- strike that.

16 So you emailed Shawna Powell and Logan  
17 Churchwell, right?

18 A. In this particular communication. Your  
19 question was about the team.

20 Q. Right.

21 A. And my answer was --

22 Q. And my --

23 A. Can I finish, please?

24 Q. And my question was poor, so I'm  
25 withdrawing it because I meant by "team" Ms. Powell

1 and Mr. Churchwell. And so it is --

2 A. Withdrawn. I understand.

3 Q. Right. And it is the case, as Ms. Powell  
4 indicates on July 5th -- it's the top email -- that  
5 she is going to send the Alien Invasion PDF and  
6 county specific list to all CAs we haven't yet  
7 communicated with. Do you see that?

8 A. No. I'm sorry. What page are you on?  
9 This is --

10 Q. The first page, Shawna Powell, Logan  
11 Churchwell, July 5th, "tomorrow I'm going to send the  
12 alien PDF and county specific list to all CAs we  
13 haven't yet communicated with," correct?

14 A. Right.

15 Q. Right. And so it is true that PILF sent  
16 lists of individuals that were published in the Alien  
17 Invasion II report to prosecutors, correct?

18 A. I don't remember reviewing a document in  
19 preparation for this that shows that.

20 Q. Well, perhaps you should have.

21 A. Well, perhaps it doesn't exist. That's  
22 the other possibility. In fact, the fact that I  
23 don't remember reviewing it would create an inference  
24 that it doesn't exist, but, if you have it --

25 Q. 98(a).

1 (Johnson Exhibit 18  
2 previously marked for identification  
3 and referenced herein: Email  
4 correspondence from (topmost) N  
5 Johnson sent 6/27/2017  
6 PILF-ADAMS-0000732 - 0000733)

7 A. Very good.

8 Q. Does this refresh your recollection?

9 A. It does. Well, this is a draft, and this  
10 predates this other email. So I'm not sure that  
11 you're talking about the same things. This relates  
12 to Newport News.

13 Q. So are you seriously, you know, disputing  
14 the notion that PILF sent lists of individuals  
15 published in Alien Invasion II to Commonwealth  
16 attorneys? Yes or no.

17 A. I'm not seriously disputing it, but I am  
18 disputing it, because I'd like to see some more  
19 documents.

20 Q. Because you didn't prepare for it today.

21 A. That's not accurate. There's a lot of  
22 documents here. And you'd speed it up, if you would  
23 just show me the document in the first place, and we  
24 can talk about it.

25 Q. Well, Topic No. 4 to the 30(b)(6)

1 deposition notice that you said that you were  
2 prepared to testify on --

3 MR. DAVIS: What did you just hand the  
4 witness? And this is marked as an exhibit?

5 (PILF Exhibit 26 marked for  
6 identification: Email correspondence  
7 from (topmost) S Powell sent  
8 7/5/2017 with attachment  
9 PILF-ADAMS-0000045 - 0000087)

10 THE REPORTER: This will be 26.

11 Q. The court reporter has marked as Exhibit  
12 26 a document with Bates number 45. It is an email  
13 from Shawna Powell to Jim Plowman, who is  
14 Commonwealth attorney in Loudoun, correct?

15 A. That's what it says.

16 Q. Right. And in this email on July 5th from  
17 Ms. Powell, which you were copied on, it says,  
18 "attached you'll find a report regarding noncitizen  
19 registration and voting in Virginia. Also, I have  
20 attached the list of noncitizens removed for  
21 citizenship defects from Loudoun County's voter  
22 rolls." So this refreshes your recollection --

23 A. Right.

24 Q. -- that you, PILF, were sending lists of  
25 individuals listed in Alien Invasion II to



1 Commonwealth attorneys.

2 A. Right.

3 Q. Right. And you sent it to a number of  
4 jurisdictions, correct?

5 A. I think we just did a document -- we  
6 discussed one where you listed those jurisdictions,  
7 or you provided me a document that listed a variety  
8 of jurisdictions.

9 As a matter of fact, you've provided me a  
10 number of documents that listed multiple  
11 jurisdictions, Johnson 17, and we've already talked  
12 about those -- or talked about some of them.

13 (PILF Exhibit 27 marked for  
14 identification: Email correspondence  
15 from (topmost) S Powell sent  
16 6/30/2017 with attachment  
17 PILF-ADAMS-0050984 - 0051022)

18 Q. The court reporter is marking as Exhibit  
19 27 an email to the Chesapeake Commonwealth's  
20 attorney's office, right?

21 A. Correct.

22 Q. A copy of the report and the voter roll  
23 cancellation list published in Alien Invasion II?

24 A. No, that's not what it includes.

25 Q. It says, "I have attached the list of

1 noncitizens removed for citizenship defects from  
2 Chesapeake's voter rolls."

3 A. That's what the letter says, but you  
4 said -- what it includes as an attachment is the  
5 Cancellation - Declared Non-Citizen list --

6 Q. Right.

7 A. -- from the Department of Elections.

8 Q. Right. And this is -- this is what was  
9 published in Alien Invasion II, correct?

10 A. Well, it almost certainly was, but you  
11 didn't ask that until just now.

12 (PILF Exhibit 28 marked for  
13 identification: Email correspondence  
14 from (topmost) S Coplon sent  
15 6/30/2017  
16 PILF-ADAMS-0017960 - 0017961)

17 Q. The court reporter has marked as Exhibit  
18 28 the email with the Bates number 17960, and this is  
19 actually a response from a Susie Coplon of the  
20 Commonwealth attorney's office for Norfolk; is that  
21 right?

22 A. Right.

23 Q. And in this email she is thanking you for  
24 sending over the Alien Invasion report and the list  
25 of noncitizens removed for citizenship defects from

1 Norfolk's voter rolls for a period of time, correct?

2 A. That's right.

3 Q. Okay. You can put that aside.

4 (PILF Exhibit 29 marked for  
5 identification: Email correspondence  
6 from (topmost) M Herring sent  
7 7/7/2017

8 PILF-ADAMS-0017951 - 0017952)

9 Q. And here is an email that's been marked as  
10 Exhibit 29 with the Bates number 17951. Do you see  
11 that?

12 A. Yes.

13 Q. And this is an email response from Michael  
14 Herring, Commonwealth attorney from Richmond City; is  
15 that right?

16 A. Right.

17 Q. Acknowledging you sending over the Alien  
18 Invasion II report and the list of individuals  
19 removed from Richmond City's voter rolls, correct?

20 A. No, it's not the list of people removed  
21 from Richmond City's voter rolls.

22 Q. "I have attached the list of noncitizens  
23 removed for citizenship defects from Richmond City's  
24 voter rolls."

25 A. Well, you left that part out in your

1       characterization --

2               Q.   Well, what other list are you sending?  
3       Because this is what you published in Alien Invasion  
4       II.

5               A.   You said these were people removed from  
6       the voter rolls.   There's a difference between -- you  
7       aren't asking a precise question.

8                       (PILF Exhibit 30 marked for  
9                       identification: Email correspondence  
10                      from (topmost) S Powell sent  
11                      7/6/2017 with attachment  
12                      PILF-ADAMS-0050275 - 0050848)

13              Q.   The court reporter has marked as Exhibit  
14       30 a document beginning with Bates number 50275.

15              Do you see that?   It's an email from Shawna  
16       Powell to Logan Churchwell.

17              A.   I see it.

18              Q.   And she says, "Logan, here is my list of  
19       CAs."   That's Commonwealth attorneys, correct?

20              A.   Right.

21              Q.   "I'll follow up with them all again when I  
22       return from vacation."

23              A.   That's what it says.

24              Q.   All right.   You can put that aside.

25              A.   Put it aside, did you say?

1 Q. Put it aside, yes.

2 Have you personally met with any Commonwealth  
3 attorneys regarding Alien Invasion II?

4 A. I don't believe I have.

5 Q. Have you met with any federal prosecutors  
6 with regard to Alien Invasion II?

7 A. Yes.

8 Q. What --

9 A. Well, I'm not sure, since you've  
10 compressed it to II, I don't know if it's just II or  
11 I or ... perhaps. I mean, maybe you can rephrase the  
12 question.

13 Q. Have you met with any federal prosecutors  
14 with regard to Alien Invasion II?

15 A. Okay. I cannot recall if it was related  
16 to II, but it might have been II and it might have  
17 been I and II.

18 (PILF Exhibit 31 marked for  
19 identification: Email correspondence  
20 from (topmost) M Lytle sent  
21 5/30/2017  
22 PILF-ADAMS-0052723 - 0052724)

23 Q. What's been marked as Exhibit 31 is a  
24 document with the Bates number 52721. For the  
25 record, this document was produced to us last night.

1           This is an email from you dated May 30th, at  
2           the beginning of the chain, to Mark Lytle; is that  
3           right?

4           A.   The pronunciation is Lytle.

5           Q.   Lytle, L-Y-T-L-E.   Who is Mark Lytle?

6           A.   I -- I cannot remember what the state is  
7           regarding the privilege agreement and whether or not  
8           this was in the agreement.

9           Q.   Yes, it was.

10          MR. DAVIS:   This is okay.

11          A.   Right.   Okay.   And your question was?

12          Q.   You emailed Mark Lytle on May 30th,  
13          correct?

14          A.   May 30th, that's what the document says.

15          Q.   And the subject line is "Report"?

16          A.   It is.

17          Q.   And there's a link to PJ Media article  
18          that you drafted about the Alien Invasion II report,  
19          correct?

20          A.   Well, in my personal capacity I drafted a  
21          PJ Media article.   So the use of the word "you" would  
22          bleed into corporate issues, but, yes, that is an  
23          article that I in my personal capacity drafted.

24          Q.   Okay.   And then Mr. Lytle asked, "When are  
25          you free for lunch?"   And then you set, basically, a

1 date and location, correct?

2 A. Well, we set a date. To answer your  
3 question about location, I'm not sure we actually --

4 Q. Okay. Did you --

5 A. -- did.

6 Q. Did you meet with Mr. Lytle and talk about  
7 the Alien Invasion II report?

8 A. Well, again, you keep asking about  
9 Alien II.

10 Q. Well, this is -- this is May 30th.

11 A. Right, but it could have also been  
12 Alien I. I just don't remember. It could have been  
13 both.

14 Q. Okay.

15 A. But so --

16 Q. Did you meet with him and discuss your  
17 Alien Invasion reports?

18 A. Yes.

19 Q. Did you provide him lists of individuals  
20 that were included in either of the Alien Invasion  
21 reports?

22 A. Could I talk to my attorney for two  
23 minutes?

24 Q. Go off the record?

25 A. Go off the record?

1 Q. Actually --

2 A. I don't have an answer for you.

3 Q. I have a question that's pending.

4 A. I know you do, but I don't have an answer  
5 for you.

6 Q. Okay. You can talk to your attorney.  
7 We'll go off the record.

8 VIDEO SPECIALIST: We are off the record,  
9 5:24.

10 (Proceedings recessed)

11 VIDEO SPECIALIST: We are on the record,  
12 5:28.

13 BY MR. TEPE:

14 Q. Mr. Adams, the question pending before you  
15 asked to go talk to your attorney was, did you  
16 provide Mr. Lytle lists of individuals that were  
17 included in either of the invasion reports?

18 A. The answer is yes. And the reason I asked  
19 to talk to my attorneys is I was unaware of the  
20 particulars of the privilege agreement that you had.

21 Q. Fair enough. What else did you discuss  
22 with Mr. Lytle?

23 A. Well, we discussed a wide range of things,  
24 including how people get on the voter rolls who are  
25 not citizens, my analysis of what the defects are in



1 the system, as we currently understood them at that  
2 time, avenues that could be explored at the DOJ to  
3 enforce federal laws related to noncitizen voting,  
4 the investigative procedures that would be utilized  
5 by the department to look into these issues, the  
6 nature of the administrative procedures that resulted  
7 in noncitizens getting on the rolls. There was a  
8 wide variety of issues.

9 Q. And you advocated to him that some of the  
10 individuals listed in Alien Invasion reports be  
11 prosecuted.

12 A. No. What I advocated -- no. See you --  
13 there's a recurring mischaracterization of the  
14 evidence in your question.

15 Q. It's a question. You can dispute it, if  
16 you want.

17 A. Well, it's an incorrect one. What I  
18 advocated to him was the department undertake a  
19 thorough review of this information, considering the  
20 fact that they were well-placed to overcome the  
21 shortcomings that a private organization faced in  
22 trying to get to the bottom of this problem.

23 The department and the administration broadly  
24 had access to immigration records, citizenship  
25 applications, DHS files, INS files. They could

1 quickly and easily obtain voter records from the  
2 Commonwealth election officials, all done relatively  
3 surreptitiously without the voters even being aware  
4 of the process.

5 And, frankly, I was somewhat relieved that --  
6 I believed that there is a genuine way to do this  
7 that protects voting rights and protects everybody  
8 involved.

9 Q. Did you tell Mr. Lytle that, despite your  
10 report saying there's 5,556 noncitizens, that  
11 actually some number of them are actually citizens?

12 A. Right. What I said to him is that the  
13 usual suspects who don't want anybody talking about  
14 noncitizens on the voter rolls are very incensed and  
15 animated about this report. It's in -- responsive to  
16 your question.

17 Q. No, it's not. It's totally not  
18 responsive.

19 A. Well, if I might have the opportunity to  
20 get to it.

21 And I said, so what you're going to find is  
22 there may be some people who are ultimately citizens,  
23 but you will have the ability to determine that in  
24 ways that nobody else will. And I explained why it  
25 was that people dislike this report because it was

1 the first step at trying to analyze what the problem  
2 is.

3 Q. Right, because the individuals listed in  
4 Exhibit 1 are not actual lists of noncitizens; it's a  
5 list of people who were canceled from voter rolls for  
6 potentially not being noncitizens.

7 A. No, you're --

8 MR. DAVIS: Stop a second. I'm going to  
9 object. It's argumentative and repetitive.

10 A. And also inaccurate. That is not  
11 accurate. The list of people in Exhibit 1 are  
12 declared noncitizens by the Commonwealth and for all  
13 the other reasons that I testified throughout this  
14 deposition could be relied on as declared  
15 noncitizens.

16 Q. So the answer is yes, you did tell Mr.  
17 Lytle that some of the people listed are likely  
18 citizens, correct?

19 A. No, that's not what I said nor did I  
20 testify to that. What I said was --

21 Q. Okay. Let me ask you --

22 A. Can I answer the question? I'm sorry.

23 What I said was that there were potential of  
24 noncitizens here, but they would be able to easily  
25 overcome false-positives because of the vast array of

1 data they had available.

2 Q. So you told Mr. Lytle that the individuals  
3 listed in Alien Invasion II, Exhibit 1, are  
4 potentially -- includes potentially citizens.

5 A. But more likely they are noncitizens.

6 Q. Did you also tell him that you've --  
7 strike that.

8 Did you meet with any other federal  
9 prosecutors besides Mr. Lytle?

10 A. I did not have a meeting with other  
11 federal prosecutors, at least none that I remember  
12 sitting here right now.

13 (PILF Exhibit 32 marked for  
14 identification: Email correspondence  
15 from (topmost) C Adams sent  
16 11/3/2016 PILF-ADAMS-0046297)

17 Q. This is a document marked as Exhibit 32,  
18 Bates number 46297. It's an email you sent on  
19 November 3rd, 2016, correct, to Ms. Powell?

20 A. Right.

21 Q. And here you're looking for a copy of  
22 Alien Invasion I, right?

23 A. Yes.

24 Q. And you say, "I want to put it in the  
25 hands of the DOJ lawyer who would prosecute these

1 people, and is a friend of mine." Do you see that?

2 A. I see that.

3 Q. Who is your friend?

4 A. Mr. Lytle.

5 Q. Okay. And so did you meet with him in  
6 November of 2016?

7 A. I don't believe so. I might have.

8 Q. And --

9 A. Well, wait, strike that answer.

10 There is a high degree of probability that I  
11 had conversations with Mr. Lytle in November of '16.

12 Q. A high degree of probability that you did  
13 have conversations with Ms. Lytle --

14 A. Mister.

15 Q. -- Mr. Lytle in November, right?

16 A. Correct.

17 (PILF Exhibit 33 marked for  
18 identification: Email correspondence  
19 from (topmost) S Powell sent  
20 11/21/2016 with attachment  
21 PILF-ADAMS-0013344 - 0013404)

22 Q. This has been marked as Exhibit 33. At  
23 the end of this email you say, "I am talking to U.S.  
24 attorney in charge of prosecuting them early  
25 afternoon do so as soon as possible. Thanks. Very

1 important." Do you see that?

2 A. Exhibit 33 is consistent with the  
3 testimony I just gave, and in fact refreshes my  
4 recollection that I was talking to Mr. Lytle.

5 Q. Right. So you had a meeting with  
6 Mr. Lytle in November of 2016, right?

7 A. It doesn't say that, does it? If it does,  
8 please direct me to that.

9 Q. Well, it says in the middle, "I'm meeting  
10 with EDVA USA office," 9:55 a.m.

11 A. I'm not meeting with -- right. Right, but  
12 that -- that refers to a future event.

13 Q. And so you were asking for the list of  
14 records, excuse me, the records with the list of  
15 individuals who had been canceled, correct, for that  
16 meeting?

17 A. No, I was asking for the list of declared  
18 noncitizens for that meeting. Remember, the list of  
19 cancellations is much larger than just noncitizen  
20 cancellations.

21 Q. Do you recall any other meetings with  
22 federal prosecutors other than the one after Alien  
23 Invasion II and the one in November after Alien  
24 Invasion I?

25 A. Well, okay, there is a high degree of

1 probability that I spoke with Mr. Lytle throughout  
2 that entire period.

3 Q. So there's a bunch of communications  
4 you've had with Mr. Lytle.

5 A. I would say so, yes.

6 (PILF Exhibit 34 marked for  
7 identification: Email correspondence  
8 from (topmost) N Johnson sent  
9 9/30/2016 PILF-ADAMS-0005422)

10 Q. Did you meet with or correspond with any  
11 other -- strike that.

12 Did you have communications with any other  
13 federal prosecutor other than Mr. Lytle about Alien  
14 Invasion reports?

15 A. Well, depends on how you define  
16 prosecutor. An AUSA, no.

17 Q. The court reporter is handing you what's  
18 been marked as 34, Exhibit 34. It's a document with  
19 the Bates number 5422. I want to direct --

20 A. Okay.

21 Q. I want to direct your attention to your  
22 email of September 30th at 3:21 p.m.

23 A. What is this? It says "Adams Philly  
24 edit."

25 Q. The one, two, three, four ... fourth

1 paragraph.

2 A. Right.

3 Q. Right, and this is September 30. You're  
4 referring to the Alien Invasion I report, right?

5 A. Well, I don't think anything was out yet.

6 Q. Right, because this is -- this is  
7 September 30. You were still editing it at this  
8 time.

9 A. Correct.

10 Q. Right. And you said, Johnson says,  
11 "Thanks. I will give it another proof and send the  
12 full PDF back," right?

13 A. Right.

14 Q. And then in the fourth paragraph of the  
15 underlying email you said, "I notice there are no  
16 names of the matches," and that's --

17 A. This doesn't refer to Virginia.

18 Q. Okay. In this paragraph you refer to "I  
19 am going to deliver this to a good friend who does  
20 the public corruption prosecutions at EDVA for DOJ."

21 A. That's what it says.

22 Q. "I can give him the list separately."

23 A. It says that.

24 Q. Right. So this is the Alien Invasion  
25 report, correct, Alien Invasion I? That's what you



1       were working on that day.

2           A.   Well, hold on.  Let me read this.

3           I'm going to deliver this to a good friend ...  
4       this probably would refer to Alien Invasion I after  
5       it was published.

6           Q.   Right.  And so what you were discussing  
7       here is how the report itself, what you were  
8       publishing, did not match names of people who were  
9       canceled with those who -- with their voter history  
10      essentially, right?

11          A.   I don't think it says that.  Where do you  
12      see that?

13          Q.   It says --

14          A.   I notice there are no names of the  
15      matches.  That's about True the Vote ...

16          Q.   No, Mr. Adams, you're saying here, "that's  
17      good and bad.  Good because it insulates us from a  
18      personalized false-positive.  Bad because it makes it  
19      harder to move the report as a self-contained  
20      prosecution guide."

21          A.   Right.

22          Q.   And then you say, "I am going to deliver  
23      this to a good friend," right?

24          A.   Okay.  This is referring to -- now that  
25      I've had a chance to look at this -- this refers to

1 the voter history matches.

2 Q. Exactly. That's what I said.

3 A. Okay.

4 Q. And so your intention was for Alien  
5 Invasion -- the Alien Invasion reports to be  
6 self-contained prosecution guides, right?

7 A. That's an overstatement of what we  
8 intended. Let me -- I've testified to this a couple  
9 of times during this deposition. Let me explain what  
10 this means, if that's what you're asking. Is that  
11 the pending question?

12 Q. The pending question is, your intention  
13 was for Alien Invasion reports to be self-contained  
14 prosecution guides, using the language you use here  
15 in this email.

16 A. No.

17 Q. No? That wasn't your intention?

18 A. I just answered that.

19 Q. Okay. How much money did PILF raise as a  
20 result of solicitations using the Alien Invasion I  
21 reports?

22 A. Let the -- you have someone coming in.

23 Q. You can answer the question.

24 A. Next to nothing, as far as I know.

25 Q. You did frequently refer to Alien Invasion

1 I in your fundraising correspondence, correct?

2 A. I don't know about what you mean by  
3 "frequently." More than once? Yes. Frequently?  
4 Vague. If you have a number to attach to your  
5 question, I can attempt to answer it.

6 Q. Well, my question is: How many times did  
7 you refer to the Alien Invasion reports in  
8 fundraising solicitations?

9 (PILF Exhibit 35 marked for  
10 identification: Email correspondence  
11 from (topmost) Public Interest Legal  
12 sent 9/11/2017

13 PILF-ADAMS-0017882 - 0017886

14 PILF-ADAMS-0049764 - 0049765)

15 MR. DAVIS: Can I get a copy of that?

16 Q. Mr. Adams, how many times?

17 A. I'm waiting for my counsel to get a copy.  
18 You didn't give him a copy. I'm letting him see it.

19 Okay. Probably about a dozen, maybe more. It  
20 was totally ineffective, though, because we didn't  
21 seem to raise any money related to the Alien Invasion  
22 reports that I can credit.

23 Q. But that is an example of a fundraising  
24 solicitation. This is Exhibit 35.

25 A. That is an example of a failed attempt at

1 fundraising off of the Alien Invasion reports.

2 Strike that answer. It's not. It's relating  
3 to New Jersey. "Report: Noncitizens discovered in  
4 New Jersey voter registration system." That's  
5 Exhibit 35.

6 Q. Right. And on Exhibit 35 on the third  
7 page, "Garden State Gotcha follows PILF's previous  
8 work to quantify the number of voters canceled for  
9 citizenship defects in Virginia. The Public Interest  
10 Legal Foundation found more than 5,500 cases." And  
11 there's a link there to the report, correct?

12 A. Twenty-five words on a four-page document  
13 refer to that -- 26, if you count the next paragraph.

14 (PILF Exhibit 36 marked for  
15 identification: Email correspondence  
16 from (topmost) C Adams sent  
17 11/30/2017  
18 PILF-ADAMS-0017707 - 0017710)

19 Q. What I've handed -- what's been handed to  
20 you now as Exhibit 36 is a document with the Bates  
21 number 177707. This is another fundraising  
22 solicitation, correct?

23 A. Right. This is -- Exhibit 36 is a  
24 fundraising solicitation.

25 Q. And on the second page of this

1 solicitation you refer to your work on Virginia,  
2 correct? You say this work revealed more than 5,500  
3 cases of alien registrants, right?

4 A. Yes.

5 Q. You can put that document aside.

6 (PILF Exhibit 37 marked for  
7 identification: Email correspondence  
8 from (topmost) C Adams sent  
9 12/20/2017

10 PILF-ADAMS-0017698 - 0017702)

11 Q. The court reporter has marked as Exhibit  
12 37 an email chain, Bates number 17698. This is from  
13 December of 2017. Do you see that?

14 A. I have Exhibit 37.

15 Q. And as part of the email solicitation,  
16 there is a reference, a bullet to the May 2017 Alien  
17 Invasion report, correct?

18 A. Give me a moment to read this, please.

19 Okay. On the third page it first mentions  
20 the --

21 Q. Well, it's --

22 A. -- the Virginia --

23 Q. The first two pages are just sort of email  
24 traffic, right? And on the first page of the actual  
25 solicitation there is a bullet that says that PILF

1 found 5,556 voters removed by the Commonwealth of  
2 Virginia as, quote, noncitizens.

3 A. Yes, that's accurate.

4 Q. Right? "This research followed an initial  
5 October 2016 sampling that yielded one thousand  
6 noncitizens," right?

7 A. That's accurate.

8 Q. And there are links to both those reports  
9 there, right?

10 A. I'm not sure if that's what the links are.  
11 There appears to be a hyperlink, but it doesn't  
12 necessarily go to the report. It could go to an  
13 article about the report. There's a variety of other  
14 possibilities. I didn't study all the hyperlinks in  
15 the 52,000 pages.

16 (PILF Exhibit 38 marked for  
17 identification: Email correspondence  
18 from (topmost) C Adams sent  
19 8/27/2018  
20 PILF-ADAMS-0018554 - 0018558)

21 Q. The court reporter has marked as Exhibit  
22 38 a document with the Bates number 18554. This is  
23 another email solicitation, correct? It's dated  
24 August 27, 2018.

25 A. Right.

1 Q. And it talks about the release of Safe  
2 Spaces, right?

3 A. "Today PILF leased Safe Spaces," right.

4 Q. And at the end of it, it says, "Safe  
5 Spaces follows the Foundation's previous reports  
6 studying noncitizen voter participation in Allegheny  
7 County, Pennsylvania, New Jersey and Virginia," and  
8 there's a hyperlink on Virginia, correct?

9 A. That's what it says.

10 VIDEO SPECIALIST: Excuse me, gentlemen.  
11 We've hit seven hours. I don't know if we have to  
12 have a hard stop.

13 Q. PILF also --

14 MR. DAVIS: This is the last question  
15 we're going to entertain. You got a seven-hour rule.

16 MR. TEPE: Yes, and also the rule is that  
17 the witness is supposed to be prepared to answer  
18 questions.

19 MR. DAVIS: And also we would expect the  
20 attorney not to ask repetitive and argumentative  
21 questions. So we can take that up at another date,  
22 but we're done for today.

23 MR. TEPE: Okay.

24 Q. How much money has PILF raised through  
25 solicitations invoking the lawsuit brought by

1 Plaintiffs in this case?

2 A. Next to nothing.

3 MR. TEPE: We're going to keep this  
4 deposition open. Bill, we can talk about it  
5 afterwards, but that's --

6 MR. DAVIS: Our point is it's done, but,  
7 you know, we can address that at the appropriate time  
8 and in the appropriate forum.

9 MR. TEPE: Do you have any questions?

10 MR. DAVIS: I do not.

11 MR. TEPE: Okay.

12 MR. DAVIS: And we will read.

13 Q. Oh, there is actually one other issue.

14 Mr. Adams, if you don't mind --

15 A. Do you want to ask me another question?

16 MR. DAVIS: Are we on the record?

17 VIDEO SPECIALIST: I haven't turned it  
18 off.

19 MR. DAVIS: We should be off the record.

20 Q. Okay. No, there's one question for the  
21 record, because there was a question asked that we  
22 didn't get a direct answer on.

23 Mr. Adams, you have no engagement or retention  
24 letter with Skadden Arps, correct?

25 A. I've asked and answered.



1 MR. DAVIS: "You" being PILF?

2 MR. TEPE: PILF or Mr. Adams.

3 MR. DAVIS: I think he has asked and  
4 answered that.

5 MR. TEPE: No, he didn't actually provide  
6 --

7 MR. DAVIS: He said there's no written  
8 engagement letter.

9 Q. Is that your answer?

10 A. That's my answer.

11 MR. TEPE: Thank you. We can go off.

12 VIDEO SPECIALIST: We're off the record,  
13 5:51.

14 //

15 (The deposition of 30(b)(6) designee J.  
16 Christian Adams adjourned at 5:51 p.m.)

17 //

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## 1 ACKNOWLEDGMENT OF DEPONENT

2  
3 I, J. Christian Adams, as PILF 30(b)(6)  
4 designee, do hereby acknowledge that I have read and  
5 examined the foregoing testimony and that the same is  
6 a true, correct and complete transcription of the  
7 testimony given by me, with the exception of the  
8 noted corrections, if any, appearing on the attached  
9 errata page(s).

10 \_\_\_\_\_  
11 DATE\_\_\_\_\_  
J. Christian Adams

12  
13  
14 Subscribed and sworn to before me this \_\_\_\_\_ day of  
15 \_\_\_\_\_, 20\_\_\_\_ .

16 \_\_\_\_\_ (Notary Public)

17 My Commission expires: \_\_\_\_\_  
18  
19  
2021 [SEAL]  
22  
23  
24  
25

C E R T I F I C A T E

I, LINDA S. KINKADE, Registered Diplomat  
Reporter, Certified Realtime Reporter, Registered  
Merit Reporter, Certified Shorthand Reporter, and  
Notary Public, do hereby certify that prior to the  
commencement of examination the deponent herein was  
duly sworn by me to testify truthfully under penalty  
of perjury.

I FURTHER CERTIFY that the foregoing is a true  
and accurate transcript of the proceedings as  
reported by me stenographically to the best of my  
ability.

I FURTHER CERTIFY that I am neither counsel  
for nor related to nor employed by any of the parties  
to this case and have no interest, financial or  
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this 21st day of  
April 2019.

My commission expires: July 31, 2022



LINDA S. KINKADE  
NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

## E X H I B I T S

PILF EXHIBITS	DESCRIPTION	PAGE
PILF Exhibit 1	Plaintiffs' Amended Rule ..... 30(b)(6) Notice to Take Deposition of Public Interest Legal Foundation	7
PILF Exhibit 2	ActRight Legal Foundation ..... letter dated 7/17/2014 PILF-ADAMS-0020792 - 20858	12
PILF Exhibit 3	Filing re charitable ..... organization status PILF-ADAMS-0021095 - 0021147	15
PILF Exhibit 4	Email correspondence from ..... (topmost) CMitchell sent 3/30/2016 with attachment PILF-ADAMS-0018345 - 0018373	16
PILF Exhibit 5	PILF letter dated 1/14/2016 .... PILF-ADAMS-0027092 - 0027094	30
PILF Exhibit 6	Email correspondence from ..... (topmost) N Johnson dated 9/13/2016 with attachment PILF-ADAMS-0003265 - 0003277	52

1      PILF Exhibit 7      Email correspondence from ..... 57  
2                              (topmost) C Adams sent  
3                              8/5/2016  
4                              PILF-ADAMS-0000654 - 657  
5      PILF Exhibit 8      Email correspondence from ..... 68  
6                              (topmost) N Johnson sent  
7                              8/17/2016 with attachment  
8                              PILF-ADAMS-0008942 - 0008989  
9      PILF Exhibit 9      Email correspondence from ..... 102  
10                             (topmost) C Adams sent  
11                             9/29/2016 with attachment  
12                             PILF-ADAMS-0014015 - 0014033  
13      PILF Exhibit 10     Email correspondence from ..... 103  
14                             (topmost) D Palmer sent  
15                             9/30/2016 with attachment  
16                             PILF-ADAMS-0013933 - 0013951  
17      PILF Exhibit 11     Email correspondence from ..... 105  
18                             (topmost) N Johnson sent  
19                             9/30/2016 with attachment  
20                             PILF-ADAMS-0005444 - 0005586  
21      PILF Exhibit 12     Email correspondence from ..... 106  
22                             (topmost) C Adams sent  
23                             9/30/2016 with attachment  
24                             PILF-ADAMS-0013698 - 0013718  
25

1 PILF Exhibit 13 Email correspondence from ..... 107  
2 (topmost) N Johnson sent  
3 9/30/2016 with attachment  
4 PILF-ADAMS-0005278 - 0005421

5 PILF Exhibit 14 Email correspondence from ..... 113  
6 (topmost) N Johnson sent  
7 6/28/2016 with attachment  
8 PILF-ADAMS-0007211 - 0007214

9 PILF Exhibit 15 Email correspondence from ..... 212  
10 (topmost) D Moorman sent  
11 2/15/2017 with attachment  
12 PILF-ADAMS-0013464 - 0013471

13 PILF Exhibit 16 Email correspondence from ..... 215  
14 (topmost) D Moorman sent  
15 2/16/2017 with attachment  
16 PILF-ADAMS-0013091 - 0013109

17 PILF Exhibit 17 Email correspondence from ..... 230  
18 (topmost) W Latham sent  
19 2/2/2017 with attachment  
20 PILF-ADAMS-0016622 - 0016642

21 PILF Exhibit 18 Email correspondence from ..... 236  
22 (topmost) N Johnson sent  
23 2/2/2017 with attachment  
24 PILF-ADAMS-0009178 - 0009197  
25

1      PILF Exhibit 19      Email correspondence from ..... 238  
2                              (topmost) N Johnson sent  
3                              2/7/2017  
4                              PILF-ADAMS-0009170 - 0009172  
5      PILF Exhibit 20      Letter from Kim McKiernan, .... 244  
6                              VREO with attachment  
7                              PILF-ADAMS-0019100 - 0019105  
8      PILF Exhibit 21      Email correspondence from ..... 253  
9                              (topmost) C Adams dated  
10                             2/1/2017  
11                             PILF-ADAMS-0006337 - 0006340  
12      PILF Exhibit 22      Email correspondence from ..... 261  
13                             (topmost) N Johnson sent  
14                             2/1/2017  
15                             PILF-ADAMS-0009200 -0009202  
16      PILF Exhibit 23      Email correspondence from ..... 269  
17                             (topmost)  
18                             a@electionlawcenter.com sent  
19                             5/20/2017  
20                             PILF-ADAMS-0000043 - 0000044  
21      PILF Exhibit 24      Email correspondence from ..... 285  
22                             (topmost) L Churchwell sent  
23                             5/25/2017  
24                             PILF-ADAMS-0000241 - 0000246  
25

1 PILF Exhibit 25 Email correspondence from ..... 299  
2 (topmost) S Powell sent  
3 7/5/2017  
4 PILF-ADAMS-0000022 - 0000028  
5 PILF Exhibit 26 Email correspondence from ..... 303  
6 (topmost) S Powell sent  
7 7/5/2017 with attachment  
8 PILF-ADAMS-0000045 - 0000087  
9 PILF Exhibit 27 Email correspondence from ..... 304  
10 (topmost) S Powell sent  
11 6/30/2017 with attachment  
12 PILF-ADAMS-0050984 - 0051022  
13 PILF Exhibit 28 Email correspondence from ..... 305  
14 (topmost) S Coplon sent  
15 6/30/2017  
16 PILF-ADAMS-0017960 - 0017961  
17 PILF Exhibit 29 Email correspondence from ..... 306  
18 (topmost) M Herring sent  
19 7/7/2017  
20 PILF-ADAMS-0017951 - 0017952  
21 PILF Exhibit 30 Email correspondence from ..... 307  
22 (topmost) S Powell sent  
23 7/6/2017 with attachment  
24 PILF-ADAMS-0050275 - 0050848  
25



PILF Exhibit 31 Email correspondence from ..... 308

(topmost) M Lytle sent

5/30/2017

PILF-ADAMS-0052723 - 0052724

PILF Exhibit 32 Email correspondence from ..... 315

(topmost) C Adams sent

11/3/2016

PILF-ADAMS-0046297

PILF Exhibit 33 Email correspondence from ..... 316

(topmost) S Powell sent

11/21/2016 with attachment

PILF-ADAMS-0013344 - 0013404

PILF Exhibit 34 Email correspondence from ..... 318

(topmost) N Johnson sent

9/30/2016

PILF-ADAMS-0005422

PILF Exhibit 35 Email correspondence from ..... 322

(topmost) Public Interest

Legal sent 9/11/2017

PILF-ADAMS-0017882 - 0017886

PILF-ADAMS-0049764 - 0049765

PILF Exhibit 36 Email correspondence from ..... 323

(topmost) C Adams sent

11/30/2017

PILF-ADAMS-0017707 - 0017710

PILF Exhibit 37 Email correspondence from ..... 324

(topmost) C Adams sent

12/20/2017

PILF-ADAMS-0017698 - 0017702

PILF Exhibit 38 Email correspondence from ..... 325

(topmost) C Adams sent

8/27/2018

PILF-ADAMS-0018554 - 0018558

## E X H I B I T S (continued)

JOHNSON EXHIBITS	DESCRIPTION	PAGE
Johnson Exhibit 2	Email correspondence from (topmost) N Johnson sent 8/16/2016 with attachments PILF-ADAMS-0009064 - 9135	61
Johnson Exhibit 3	Email correspondence from (topmost) C Adams sent 8/16/2016 PILF-ADAMS-0046537 - 0046538	78
Johnson Exhibit 6	Email correspondence from (topmost) N Johnson sent 9/23/2016 PILF-ADAMS-0014107 - 0014113	98
Johnson Exhibit 7	Email correspondence from (topmost) N Johnson sent 9/29/2016 with attachment PILF-ADAMS-0005621 - 0005636	95
Johnson Exhibit 8	Email correspondence from (topmost) N Johnson sent 9/29/2016 with attachment PILF-ADAMS-0005601 - 0005620	100

1	Johnson Exhibit 9	Email correspondence from	108
2		(topmost) N Johnson sent	
3		9/30/2016 with attachment	
4		PILF-ADAMS-0004985 - 0005128	
5	Johnson Exhibit 10	Alien Invasion in Virginia	117
6		The discovery and coverup of	
7		noncitizen registration and	
8		voting   September 30, 2016	
9		with attachments	
10	Johnson Exhibit 11	Alien Invasion II	154
11	Johnson Exhibit 16	Email correspondence to	277
12		(topmost) C Adams sent	
13		6/19/2017	
14		PILF-ADAMS-0000210	
15	Johnson Exhibit 17	Email correspondence from	296
16		(topmost) N Johnson sent	
17		5/26/2017 with attachment	
18		PILF-ADAMS-0000782 - 0000784	
19	Johnson Exhibit 18	Email correspondence from	302
20		(topmost) N Johnson sent	
21		6/27/2017	
22		PILF-ADAMS-0000732 - 0000733	

1 Johnson Exhibit 27 Email correspondence from 282  
2 (topmost) N Johnson sent  
3 3/28/2017  
4 PILF-ADAMS-0001979 - 0001980  
5  
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## E X H I B I T S (continued)

VVA EXHIBITS	DESCRIPTION	PAGE
VVA Exhibit 5	VVA letter dated 1/25/2016 to A Leider	35
VVA Exhibit 6	Office of Voter Registration and Elections letter dated 2/9/2016 to R George	39
VVA Exhibit 7	Thompson McMullan letter dated 8/10/2016 PILF-ADAMS-0000637 - 0000641	44

## WITNESS ERRATA SHEET

REF. NO. 158969

Page 1 of \_\_\_\_\_

NAME OF CASE: LULAC vs. PILF

DATE OF DEPOSITION: Thursday, April 18, 2019

PLEASE INSERT REASON FOR CHANGE:

1. To clarify the record.

2. To conform to the facts.

3. To correct a transcription error.

Page	Line	Reason No.
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SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

(Signature of J. Christian Adams)